

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

UNITED STATES OF AMERICA : VOLUME III
:
vs. :
:
DYLANN STORM ROOF : 2:15 - CR - 472

R E D A C T E D T R A N S C R I P T

Trial continues in the above matter on Friday,
December 9, 2016, commencing at 9:33 a.m., before the
Hon. Richard M. Gergel, in the United States Courthouse,
Courtroom VI, 85 Broad St., Charleston, South Carolina,
29401.

APPEARED ON BEHALF OF THE UNITED STATES:

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APPEARED ON BEHALF OF THE DEFENSE:

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REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR
Official Court Reporter for the U.S. District Court
P.O. Box 835
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843/723-2208

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1 (Jury not present.)

2 THE COURT: I received this morning a motion
3 regarding state of mind evidence. Has the Government had a
4 chance to look at that issue?

5 MR. RICHARDSON: Your Honor, our system was down, I
6 got it about 15 minutes ago, but I'm happy to address a few of
7 the issues, if the Court wouldn't mind.

8 THE COURT: I would. Go ahead.

9 MR. RICHARDSON: Thank you, Your Honor.

10 I think the basic idea here that I think the Court ought
11 to look to is a two-part question. And one, is it at all
12 relevant, and that seems to be the focus of their brief. We
13 do not think that it is. I think the Court has understood
14 that and explained that in a number of ways of the narrow
15 focus here and why it's not relevant.

16 But I also think it's important to analyze the issue under
17 Rule 403. And even if they're able to articulate some
18 extraordinarily tangential relationship to an issue, that the
19 risk of confusion and misleading the jury here is
20 substantially great. And particularly in light of the
21 context, and they talk about in the motion attempting to
22 challenge the defendant's intent, right, for example? They
23 say that, well, we're challenging the defendant's intent. I
24 think the suggestion that that is what they're actually doing
25 is not a fair reflection of what we've seen so far,

1 particularly in light of the concessions that Mr. Bruck made
2 in his own opening statement that they were not challenging
3 that.

4 And so I think when you look at the probative value, if
5 any, and frankly I don't think they make an argument that it
6 is actually probative, but even if some tangential suggestion
7 could be made, in this case the probative value of what
8 they're trying to do is nonexistent, or at least minimal. And
9 I think the risk of confusion and misleading the jury is
10 substantial.

11 With respect to the nature of the mental health
12 information as far as state of mind and those types of
13 questions, we think it is appropriate, and I think there's
14 been discussions about how he acted during the crime, as well
15 as how he acted during the confession. Right? Those are
16 issues where we talk about his behavior, and that is relevant
17 and we think that does go.

18 We understand from witnesses who, in the last 48 hours,
19 have been subpoenaed, members of the defense team have spoken
20 with their counsel and indicated they're going to have to call
21 those witnesses to discuss things like how he acted in middle
22 school, going back quite some time, and to issues that we
23 think are well well beyond the scope. This is a case about a
24 crime that occurred on a night, the planning and preparation
25 he did for that, and the confession that came after it. Those

1 pieces of it, we think his actions at the crime, his actions
2 at the confession, we think those are appropriate. But
3 anything beyond that, we think is not appropriate. And I
4 think what the Court sees in balancing that 403, particularly
5 with respect to the confession, is that this is not -- in no
6 way a coercive interview, that the interviewee, the defendant
7 in this case, was effusive, he was eager to explain what he
8 was trying to do, he had a relaxed demeanor, cordial, at
9 various times he was downright jovial as he described what he
10 did.

11 THE COURT: I'm going to let the interview speak for
12 itself. But let me just raise some thoughts I have, and then
13 I'm going -- so I can allow the defense team to respond to
14 this.

15 You start this analysis with the Insanity Defense Reform
16 Act, 18 United States Code 17. And it provides that it is an
17 affirmative defense to a prosecution under any federal statute
18 that at the time of the commission of the acts constituting
19 the offense, the defendant, as a result of a severe mental
20 disease or defect, was unable to appreciate the nature and
21 quality of the wrongfulness of his acts. That defense has not
22 been made here. There was a deadline for asserting it, it has
23 not been made.

24 The Act goes on to say, mental disease or defect does not
25 otherwise constitute a defense. Okay? Now, the courts have

1 discussed, well, I'm going to find state of mind, that term, I
2 find that to be very unhelpful here, because it covers such a
3 broad range of things, some of which would be admissible and
4 some which are not admissible. Malice, the presence of
5 malice, premeditation, these are what you might refer to as
6 state of mind, which are highly probative and are admissible
7 evidence.

8 But the line, United States versus Worrell, which is the
9 Fourth Circuit case on point here, makes it very clear that
10 evidence offered to justify a crime, not rebut the presence of
11 an element of the crime but to justify it, or to try to
12 explain it away or -- is not admissible in the guilt phase,
13 it's classic sentencing evidence. I get it all the time in my
14 sentences, and it would be, in a sentencing phase here, be
15 highly probative. But it's not admissible, it's not relevant.

16 And, you know, there is clearly an exception from mental
17 health evidence that rebuts the presence of -- if someone does
18 not have the capacity to form intent, an example would be
19 let's say someone had a brain injury and could not formulate
20 an intent. That is sort of the type of hypothetical, and I
21 say hypothetical because though that narrow rare exception is
22 discussed from time to time, there's like one case in the
23 history of American federal jurisprudence has allowed it,
24 Seventh Circuit case, I'm very familiar with it.

25 So it's one of those things, so taking examples here that

1 have been raised, the fact that he was 21 and can be
2 impulsive, that's in the briefing. That is just not
3 admissible at this stage. Certainly age is relevant, his
4 other issues could be relevant at sentencing, whether those
5 are mitigation, but it does not rebut any element of the
6 crime. And it is a justification evidence, U.S. versus
7 Worrell prohibits that.

8 Another example is of admissible mental health evidence
9 relates to claims that he had contemplated suicide. Again,
10 that doesn't have anything to do with whether he committed
11 these 33 counts. It has nothing to do with it. It does not
12 rebut an element of it.

13 The mental health evidence that we normally deal with is
14 we have insanity defense not asserted here, we have a
15 competency issue that can be raised, which was asserted here
16 and the Court has ruled on that. And within the range of
17 that, mental health evidence is only going to be allowed if it
18 goes to rebut an element. They're not present here.

19 I've got to also say, we can not continue this practice of
20 writing a brief the next day, raising issues that weren't
21 objected to at the time. Now, some of this has been objected
22 to, but we just can't do this after-the-fact thing. So in the
23 future, to the extent there is a desire to put forward such
24 evidence, I'm glad to consider it, I'm telling -- the U.S.
25 versus Worrell controls, I understand this issue, not the

1 first time I've dealt with this issue. But it's just not
2 admissible evidence.

3 So we've got to know the evidence, and then I have to rule
4 on whether that falls within it. I mean, I just can't, in the
5 abstract, call it state of mind. That's not helpful.

6 So, you know, I'm glad to hear again any more from the
7 defense. I'm trying to keep this trial moving. I understand
8 this issue very well, Mr. Bruck, I'm not a novice on this
9 issue. But do you understand my reasoning?

10 MR. BRUCK: Yes, I do. We've set forth our position.
11 There is --

12 THE COURT: Let me just say you ably set -- it's not
13 like this was something thrown around, I mean, you ably
14 presented your position. There is -- you know, it's contrary
15 to controlling law, I respect your assertion of it, and you
16 need to turn every stone over when you're representing someone
17 in a capital case, I respect your need to do that. But we're
18 not -- I mean, I just heard for the first time you've summoned
19 middle school teachers. I have no idea if that's true or not.

20 MR. BRUCK: It's not true. That's completely a red
21 herring. I can tell you what that is about.

22 THE COURT: You don't need to. You tell me you're
23 not doing that, but I'm going to say to you that if there's
24 something that you want to offer, that clearly I've laid out
25 here what it needs to be. I'm glad to hear you out, outside

1 of the presence of the jury, and I'm glad to address those
2 issues. But this is sentencing, what I've heard so far, and
3 what I've ruled on so far, age 21, he was going to commit --
4 he wanted to commit suicide, not relevant, doesn't rebut any
5 element of the crime. As I told you yesterday when you raised
6 it.

7 MR. BRUCK: I don't want to prolong this. There are
8 a couple things I need to say. One is we're about to hear
9 confession testimony. 18 U.S. Code 3501 provides that the
10 defendant be permitted or the Court consider all of the
11 surrounding circumstances, which obviously includes broadly
12 the defendant's mental state.

13 THE COURT: This is not a back door to insanity lite.
14 I'm glad to -- he was Mirandized, he made the statements, but
15 the idea that we're now going to open the door to mental
16 health testimony about -- we've already done, we don't have
17 insanity, we determined competency, the confession is the
18 confession. Now, if there's something specific you want to
19 point out, I'm glad to address it, because I don't like this
20 abstract stuff of throwing something and then saying
21 everything that is humanly possible that could fall within
22 that umbrella, I don't know it, but you know, the -- did we
23 have a motion to suppress? I think we had a motion to
24 suppress the confession.

25 MR. BRUCK: It has been denied, and that was one

1 procedural matter I wanted to bring up. I mean, the
2 confession is one aspect. The first point we make, and I
3 realize I appear to have failed to convince the Court, but the
4 prosecution's opening statement did not stop at arguing the
5 elements of the offense.

6 THE COURT: Let me tell you, I went through your
7 brief this morning, and I wrote a note on every one of those,
8 and I determined every one of them fell within an element of
9 the guilt phase. I know what you said, I just went through
10 and I circled them, I then evaluate each one of those
11 examples. And I don't know if that was an exhaustive example,
12 but they were all elements of malice, premeditation, hate
13 crime, et cetera, you know, so I didn't see an opening of the
14 door here.

15 MR. BRUCK: I'm not saying that they did not relate
16 to elements of the offense, but they went further. They
17 provided the most pejorative, most, if you will -- well --

18 THE COURT: Mr. Bruck, here we go again. You stand
19 up and you object at the time. I can't run a trial where
20 three days after something's done, I have a filing about it.

21 MR. BRUCK: But there was nothing wrong with the
22 argument. It wasn't objectionable. But we have a due process
23 right to meet it, that's all.

24 THE COURT: Let me just say, I found nothing in that
25 that opened the door, these were all elements of guilt,

1 obviously malice, premeditation, these are, you know, these
2 are elements of hate crime, obstruction of religion, these are
3 elements of the crimes. And that's why I keep saying, come
4 back to me, show me an element. I say this, I sustained a
5 motion you had yesterday, didn't seem to relate to one of the
6 elements of the crime. We're in the guilt phase here. And
7 I'm going to keep us on this track.

8 You know, so anyway, I've got a jury waiting here. Unless
9 there's something else, I want to keep the trial moving.

10 MR. BRUCK: The last thing I need to say, we saved
11 our Fifth Amendment right to present a defense. I also want
12 the record to reflect that we think the Court's ruling
13 impinges upon the Sixth Amendment right to counsel, and the
14 right to be heard by --

15 THE COURT: I'm sorry, you're throwing terms at me.
16 What are you talking about?

17 MR. BRUCK: I'm sorry, I misspoke. The Sixth
18 Amendment right to call witnesses and present a defense.

19 THE COURT: In what way was that?

20 MR. BRUCK: Under the Sixth Amendment, Your Honor.

21 THE COURT: What have I done?

22 MR. BRUCK: We think the limitations on such things
23 as whether --

24 THE COURT: Let me make it clear. If you want a
25 witness, I need to know the specifics. I've said this to you,

1 you need to give me the specifics.

2 MR. BRUCK: We will do that.

3 THE COURT: I will rule just like I did on those
4 pictures yesterday, I went picture by picture. I will go
5 witness by witness. And I want to keep my trial moving, but
6 if we need to get here at 8:00 a.m. to do that or do it at the
7 end of the day, I'm delighted to do it, I'm not -- and I
8 don't -- I'm not real good, you know, a lot of standing orders
9 of mine and my colleagues is motions in limine. It's very
10 common for me not to rule on motions in limine, because I need
11 the context, I need the details.

12 So the answer is nobody -- no rulings have been made
13 beyond what I said here and what you have raised and I have
14 ruled on already.

15 MR. BRUCK: That's correct.

16 THE COURT: But I need to do it example by example.
17 Because it may well be you could articulate something that
18 would fall within the rare exception.

19 MR. BRUCK: Very well.

20 Just a procedural matter, I don't think this will pose a
21 problem, but we're about to get into the confession and the
22 fruits of the search of the car, and later the search of
23 Mr. Roof's home. We have made motions, the Court has ruled on
24 them, they have been denied. I assume we are not required,
25 either item by item or witness by witness, to renew the

1 objections.

2 THE COURT: Your objections are continuing regarding
3 that. I will tell you, I have not heard anything that would
4 cause me to change those rulings. If you want to bring
5 something to my attention that might be unique or different
6 that you think you'd like me to consider, I welcome you
7 raising those. I have listened to the evidence very
8 carefully, and you know, there's nothing at this point that I
9 would do to change any of my rulings regarding that.

10 MR. BRUCK: Very well. If I may confer for just a
11 moment. That's all, Your Honor.

12 THE COURT: Mr. Bruck, there's no question where your
13 talent is in this, it's not just your own, it's in your
14 defense team.

15 MR. BRUCK: Thank you.

16 THE COURT: Very good. Let's bring in the jury.

17 (Jury present.)

18 THE COURT: Good morning. You know, the first day
19 you entered, y'all were a little hesitant, second day a little
20 more confident, today you're walking in like pros.

21 Okay. Call your next witness. Government case continues.

22 MR. WILLIAMS: Government calls Scott Hamrick.

23 THE CLERK: State your full name for the record,
24 please.

25 A. Jeffrey Scott Hamrick.

JEFFREY HAMRICK - DIRECT EXAMINATION

1 JEFFREY HAMRICK, a witness called by the Government, first
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. WILLIAMS:

5 Q. Morning.

6 A. Good morning.

7 Q. Can you tell jurors where you work?

8 THE COURT: Start with a name.

9 Q. Give the jury your name.

10 A. Scott Hamrick.

11 Q. How do you spell your last name?

12 A. H-A-M-R-I-C-K.

13 Q. And where do you work?

14 A. City of Shelby police department.

15 Q. What do you do for the Shelby police department?

16 A. I am a patrol officer.

17 Q. How long have you been a patrol officer?

18 A. Approximately eight years.

19 Q. Is that -- do you have any law enforcement experience
20 before you were a patrol officer?

21 A. No, sir.

22 Q. What did you do prior to getting into law enforcement?

23 A. I was in the textile industry.

24 Q. As a patrol officer, what are your responsibilities, at
25 least with the Shelby police department?

JEFFREY HAMRICK - DIRECT EXAMINATION

1 A. To answer calls, basically traffic enforcement and take
2 care of wrecks.

3 Q. Do you recall responding to an incident or at least a
4 traffic situation on June 18th of last year?

5 A. Yes, sir.

6 Q. At about 10:30 in the morning?

7 A. That's correct.

8 Q. Tell the jury how you first got involved with that
9 incident.

10 A. Dispatch came over the radio and said they had received a
11 call that a person responsible for the Charleston shooting was
12 seen traveling west on Highway 74 entering the city.

13 Q. Did you get any description of the vehicle?

14 A. Yes, sir, they said it was a black Hyundai -- or I can't
15 remember the car -- but yes, sir, we got that description of
16 the vehicle.

17 Q. Did you get a description of the license plate or the
18 state that the plate was from?

19 A. Yes, sir, they said it was from South Carolina
20 registration plate.

21 Q. Shelby is in North Carolina, is that right?

22 A. That's correct.

23 Q. So where were you when that call came out?

24 A. I was in the vicinity of 74. On the west side in Shelby.

25 Q. What did you do?

JEFFREY HAMRICK - DIRECT EXAMINATION

1 A. Responded to the location that they said the vehicle was
2 heading.

3 Q. Were you able to, at least through radio traffic,
4 understand what other officers were doing or who else might be
5 responding?

6 A. That is correct, yes, sir.

7 Q. Tell the jury who else was responding, if anyone.

8 A. There was several officers that said they were en route to
9 the vicinity. Officer Dan Bernat and Joe Buriss were -- they
10 were in a two-man car, and they had radioed that they were
11 behind the vehicle, and gave out their location. And I was
12 real close with them.

13 Q. Was there any other cars following in behind from the
14 defendant's car?

15 A. Yes, sir, I believe there was two other units that were
16 following us.

17 Q. Did the car match the description that had been called
18 out?

19 A. Yes, sir, it did.

20 Q. So a black vehicle with an out-of-state tag?

21 A. That's correct.

22 Q. And so based on that, you began following the vehicle?

23 A. No, sir, when I came to the vehicle, it was already at a
24 stoplight.

25 Q. So if you can, explain how that occurred and what happened

JEFFREY HAMRICK - DIRECT EXAMINATION

1 as you all were driving down the road.

2 A. Okay. When I arrived, Officer Bernat had initiated a
3 traffic stop, had his blue lights on. The other vehicle was
4 behind a tractor trailer truck.

5 Once Mr. Bernat activated his blue lights, I pulled up
6 beside his car in the turning lane, and Mr. Roof's vehicle was
7 in front of that. Mr. Roof then turned just -- pulled into
8 the turning lane that I was in, and then into a driveway.

9 Q. What happened then?

10 A. I exited my vehicle, got in front of my patrol car with my
11 weapon drawn, securing our -- or looking in the back window of
12 the suspect's vehicle.

13 Q. What were the other officers doing, if anything?

14 A. One officer went to the left and Officer Bernat went to
15 the left, Officer Buriss went to the right, and Officer Bernat
16 made a contact with the person in the vehicle.

17 Q. Where were you while that was occurring?

18 A. I was behind the vehicle.

19 Q. Was there anybody else at the back of the vehicle with
20 you?

21 A. Yes, sir, Sergeant Myers and Officer Ledford were behind
22 me.

23 Q. What did you see happen as Officer Bernat went to the
24 driver's side?

25 A. I can't remember what Officer Bernat said, but Mr. Roof

JEFFREY HAMRICK - DIRECT EXAMINATION

1 had his hands on the steering wheel at ten and two.

2 Q. What happened then?

3 A. Officer Bernat made -- got Mr. Roof out of the vehicle and
4 patted him down, and then I patted -- passed him off to me. I
5 in turn patted him down again. And got his identification out
6 of his pocket.

7 Q. Prior to you patting him down, did you know who he was or
8 had you confirmed his identity at all?

9 A. I wasn't 100 percent sure, but I had seen on TV in the
10 morning a picture of him, and the most outstanding feature
11 that I can remember was his haircut.

12 Q. So tell the jury what had you seen that morning on TV or
13 any information you had about the crime prior to.

14 A. I just saw pictures of him like entering the church is
15 what was on the news channel.

16 Q. When was it that you first sort of recognized him, at the
17 time the car was pulled over or as he was getting out?

18 A. As he was getting out of the vehicle.

19 Q. So when he came to the back of the car, what happened?

20 A. When he came to the back of the vehicle I just patted him
21 down again for weapons, and Sergeant Myers said secure him in
22 the vehicle and take him to the police department.

23 Q. When you patted him down did you find anything on him?

24 A. No, sir.

25 Q. Did you look for an I.D. or anything like that?

JEFFREY HAMRICK - DIRECT EXAMINATION

1 A. No, sir. The first time I patted him down we found the
2 I.D. When I took him back to the vehicle one more time we
3 patted him down again and we didn't find anything. I didn't
4 find anything on him.

5 Q. Tell me about the first pat down. Did you say anything to
6 him or did he say anything to you?

7 A. No, sir.

8 Q. Did you ask him for his I.D.?

9 A. I did not ask him for his I.D. I believe Sergeant Myers
10 may have.

11 Q. And was Sergeant Myers right next to you?

12 A. I can't recall.

13 Q. Do you recall any kind of conversation with the defendant
14 at the back of the vehicle?

15 A. No, sir, there was no conversation.

16 Q. So once you left the back of the vehicle, what did you do?

17 A. When I secured Mr. Roof in the back of the vehicle, I just
18 got in and drove him --

19 Q. When I say back of the vehicle, I mean at the back of the
20 defendant's car.

21 A. Oh, yes, we just patted him down, and he was already
22 placed in handcuffs, so we just escorted him to my vehicle.

23 Q. Did you have any kind of conversation with him at that
24 point in time?

25 A. No, sir. I did not.

JEFFREY HAMRICK - DIRECT EXAMINATION

1 Q. And you say that you placed him into the back of the
2 vehicle?

3 A. In the back of my police car, yes, sir.

4 Q. Explain to the jury if there was any kind of conversation
5 or how he was -- did you direct him into the car? How did
6 that happen?

7 A. I just opened up the back door and he just sat down.

8 Q. Did he seem to understand what was going on and what you
9 were --

10 A. Yes, sir.

11 Q. -- instructing him to do?

12 A. Yes, sir.

13 Q. So what did you do once he was in the back of your patrol
14 car?

15 A. We just -- I checked with communication, told him we were
16 en route to the PD.

17 Q. When you say we, who was in your car?

18 A. Myself and Mr. Roof.

19 Q. Did you drive him to the police station?

20 A. Yes, sir, I did.

21 Q. Did you go directly from the traffic stop to the police
22 station?

23 A. Yes, sir.

24 Q. No stops along the way?

25 A. No stops along the way, no, sir.

JEFFREY HAMRICK - DIRECT EXAMINATION

1 Q. And what was -- were you instructed to take him somewhere
2 at the police station?

3 A. Yes, sir, we was instructed to take him to the library,
4 which is our interview room at the police department, we call
5 it the library.

6 Q. As you were driving to the police station, did you have
7 any kind of conversation or discussions with the defendant?

8 A. No, sir.

9 Q. What was -- if you could tell at all, what was he doing in
10 the back of your car?

11 A. When I would check the rearview mirror, he was just
12 looking out the window.

13 Q. And then when you got to the police station, what
14 happened?

15 A. When I got to the police station I was met there with
16 several other officers, and we escorted Mr. Roof up to the
17 library, or the interview room, at which point I turned him
18 over to Captain Seat.

19 Q. And when you say you took him up to the interview room,
20 was he able to follow your instructions to get him to the
21 interview room and there was no problems along the way?

22 A. Yes, sir, there was no problems, he followed instructions.

23 Q. And so you would have left him there with the supervisor
24 at the interview room would have been your last involvement?

25 A. Yes, sir, that's correct.

JEFFREY HAMRICK - DIRECT EXAMINATION

1 MR. WILLIAMS: Thank you, no further questions.

2 THE COURT: Cross-examination.

3 MS. STEVENS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. STEVENS:

6 Q. Good morning, Officer.

7 A. Good morning.

8 Q. When you first approached the cars, they were already --
9 they had already pulled Dylann Roof over, correct?

10 A. No, ma'am, they were in the process. They had just
11 activated their blue lights.

12 Q. And your car was two cars back or one car back from the
13 car that initially activated the blue lights?

14 A. I was beside the car that activated the blue lights.

15 Q. Were you to the left of the car or to the right of that
16 car?

17 A. I was to the right.

18 Q. And you all pulled off so that traffic could go to the
19 left and Dylann Roof pulled off of a little side street there
20 before the Kangaroo gas station?

21 A. That's correct. He pulled into a drive, not a street, it
22 was not a street.

23 Q. And you saw Officer Bernat go to the left side of
24 Mr. Roof's car and Officer Buriss head to the right side,
25 right?

JEFFREY HAMRICK - DIRECT EXAMINATION

1 A. That's correct.

2 Q. And all officers at that point had their weapons drawn,
3 didn't they?

4 A. Yes, ma'am.

5 Q. And then you described that his hands were at ten and two
6 on the steering wheel? Right?

7 A. That's correct.

8 Q. And Officer Bernat spoke with Mr. Roof, and Mr. Roof got
9 out of the car voluntarily, didn't he?

10 A. Yes, ma'am.

11 Q. And there was no trouble with that, he just got out of the
12 car, correct?

13 A. That's correct, there was no trouble.

14 Q. All right. And you all reholstered your sidearms? During
15 that time.

16 A. Yes, ma'am.

17 Q. Okay. And then Dylann Roof was brought to the back of his
18 own car, the black Hyundai, right?

19 A. Yes, ma'am.

20 Q. And you were standing close by that encounter?

21 A. I was.

22 Q. And eventually they turned Dylann Roof in to your custody
23 to transport him back to the Shelby police department?

24 A. Yes, ma'am.

25 Q. And before that, you had searched his pocket, and was it

JEFFREY HAMRICK - DIRECT EXAMINATION

1 you that found his I.D. in his pocket?

2 A. Yes, ma'am, I believe so.

3 Q. Okay. And when you found that I.D. did you also find a
4 movie theater ticket?

5 A. No, I don't recall a movie theater ticket.

6 Q. Okay. And then he was turned over to you to take back to
7 Shelby, and you placed him in the back seat of your police
8 car, right?

9 A. Yes, ma'am.

10 Q. When you transported him back to the Shelby police
11 department, did you have your blue lights and siren on?

12 A. No, ma'am, we went routine traffic, no blue lights.

13 Q. So you were following normal speed limits there in Shelby
14 and heading back to the police department?

15 A. Yes, ma'am.

16 Q. Okay. And how far was it from where you pulled Dylann
17 Roof over, back to the Shelby police department?

18 A. It's approximately three miles.

19 Q. And was the speed limit 55, 35, it's a busy stretch there
20 along Highway 74 there, isn't it?

21 A. Yes, ma'am, it's 55 and then it goes to 35 when we exited
22 off of the highway.

23 Q. And you passed through some traffic lights there in
24 Shelby?

25 A. Yes, ma'am.

JEFFREY HAMRICK - DIRECT EXAMINATION

1 Q. Okay. And during the ride you explained that you would
2 check the rearview mirror and look back at Dylann Roof seated
3 in the back seat, right?

4 A. Yes, ma'am.

5 Q. And he was -- was he handcuffed in the front or was he
6 handcuffed in the back as he sat there on the seat?

7 A. He was handcuffed in the back.

8 Q. Okay. So he's seated in the back of your patrol, car
9 hands cuffed in the back, and you seat belted him in, correct?

10 A. I don't recall if I seat belted him in or not.

11 Q. Does your patrol car have sort of a cage there or a window
12 separating the -- where you were from where Mr. Roof was?

13 A. Yes, ma'am.

14 Q. And when you checked in the rearview mirror, what he was
15 doing during that ride back to Shelby was just looking out the
16 window?

17 A. That's correct.

18 Q. And did you speak with him at all during that ride?

19 A. No, ma'am, I did not.

20 Q. Okay. Describe for us how you got him out of your patrol
21 car when you arrived back at the Shelby police department.

22 A. When I arrived at the police department there was other
23 officers that were already out behind the police department,
24 and they opened the door and got him out.

25 Q. Okay. Do you recall how many officers greeted you there

JEFFREY HAMRICK - DIRECT EXAMINATION

1 at the police department waiting for you and Dylann Roof to
2 arrive?

3 A. I'm not exactly sure, but I know there was at least two.

4 Q. And you kept him safely in your custody and kept him
5 handcuffed, didn't you?

6 A. That's correct.

7 Q. And there within the police department you took him to an
8 interview room, or what you all call the library?

9 A. Yes, ma'am.

10 Q. Did you speak with him at all as you walked from the car
11 with him up into the library?

12 A. No, ma'am.

13 Q. Did you notice anything about him like any odor of
14 alcohol, as --

15 A. No.

16 Q. No? All right. And once you put him in to the library,
17 did you have any further conversation or contact with Dylann
18 Roof?

19 A. No, ma'am.

20 Q. And you said that the most distinctive feature that you
21 saw as you first saw him was the haircut?

22 A. Yes, ma'am.

23 Q. And it matched what you saw there in the photographs when
24 they were saying be on the look out for Dylann Roof, right?

25 A. That's correct.

MATTHEW STYERS - DIRECT EXAMINATION

1 MS. STEVENS: Okay. Thank you, Officer, that's all I
2 have.

3 THE COURT: Thank you very much. You may step down.

4 A. Okay.

5 MR. CURRAN: The Government calls Matt Styers.

6 THE CLERK: State your full name for the record,
7 please.

8 A. Matthew Thomas Styers.

9 MATTHEW STYERS, a witness called by the Government, first
10 having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. CURRAN:

13 Q. Morning, Detective Styers.

14 A. Good morning.

15 Q. I think you just did it, but please tell the jury your
16 name.

17 A. Matt Styers.

18 Q. And what do you do for a living, Detective Styers?

19 A. I'm an investigator with the Shelby police department,
20 Shelby, North Carolina.

21 Q. And how long have you been a law enforcement officer?

22 A. Approximately 12 years.

23 Q. And you work in the Shelby police department in North
24 Carolina, and you just told the jury that, right?

25 A. Yes.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. How long have you been working for the Shelby police
2 department?

3 A. I've been with Shelby around six years.

4 Q. And you already mentioned that you're a criminal
5 investigator, correct?

6 A. Yes.

7 Q. I'm calling you detective; is that actually your formal
8 title?

9 A. Yes, it is.

10 Q. I'd like you to turn to the morning of June 18th, 2015,
11 last year. Were you on duty that day?

12 A. I was.

13 Q. And is that the day that officers from your department
14 arrested the defendant, Mr. Roof?

15 A. It was.

16 Q. And were you directly involved in that arrest?

17 A. Somewhat, yes.

18 Q. And the arrest itself?

19 A. No, not the arrest, no.

20 Q. Where were you -- for example, where were you when you
21 learned that he had been arrested?

22 A. We were doing a community function on Gardner Street in
23 Shelby when everything took place that morning.

24 Q. So you were not present at the site of the arrest?

25 A. I was not.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. What did you do when you learned of the arrest?

2 A. Me and my sergeant left that community function and went
3 to the police department.

4 Q. And why did you do that?

5 A. Because Sergeant Myers had asked for CID, which is
6 criminal investigation division, to contact him, and they
7 advised us that they were taking Mr. Roof to the police
8 department.

9 Q. And what time was it when you got back to the police
10 department?

11 A. It was around 11:00 o'clock.

12 Q. And where did you go at the police department?

13 A. It was a -- it's our interview room, on the second floor
14 of our police department. It's an interview room, it used to
15 be a library that we -- interview slash conference room at our
16 police department.

17 Q. And you described just generally for the jury what that
18 room is like.

19 A. It's got a round table, I think it's about six people,
20 some book shelves, TV on the wall, not real big, but it's not
21 real small. Decent size room.

22 Q. Relatively normal conference room?

23 A. Yes.

24 Q. No bars on the window?

25 A. No.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. No two-way glass like you see on TV?

2 A. No.

3 Q. Why was he brought there rather than a cell?

4 A. We don't have a cell at our police department.

5 Q. So is the library or the conference room, is that where
6 you do interviews?

7 A. That's where we do all our interviews. At the time that's
8 where we did all our interviews.

9 Q. How long was the defendant held in that conference room?

10 A. Around four hours. I believe it was.

11 Q. And who was guarding him while he was in there?

12 A. I was in there the majority of the time until he was
13 interviewed.

14 Q. And who was he interviewed by?

15 A. The FBI.

16 Q. Did you remain during the FBI interview?

17 A. I did not.

18 Q. Were you with him prior to the FBI interview?

19 A. Yes, I was.

20 Q. And you were guarding him at that point, right?

21 A. Right. Yes.

22 Q. As you were doing that, how far away from him were you?

23 A. Probably three foot, two, three foot.

24 Q. So you were able to observe him closely?

25 A. Yeah, I sat right beside him pretty much.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. You were with him for more than two hours, correct?

2 A. That is correct.

3 Q. And describe how he was situated during the period where
4 you were observing him.

5 A. I was -- like I said, it's a round table, I was sitting at
6 the end of the table and he was sitting to the right of me,
7 beside me at the table.

8 Q. How did he appear to you physically?

9 A. Fine.

10 Q. Anything unusual about his physical condition at all?

11 A. No. Not at all.

12 Q. Any signs of injury?

13 A. No.

14 Q. As you sat with him for those two hours, did you observe
15 anything unusual about his behavior?

16 A. I did not.

17 Q. As you observed him, did he give you any indication that
18 he was fatigued?

19 A. No, he did not.

20 Q. Droopy eyes?

21 A. Huh-uh.

22 Q. Any indications that he was sleepy?

23 A. No, not at all.

24 Q. Did he give you, as you observed him, did you observe
25 anything that indicated he was under the influence of any

MATTHEW STYERS - DIRECT EXAMINATION

1 substances or medications?

2 A. No, I did not.

3 Q. What did he do during the period? And when I'm asking
4 during that period, I'm asking during the period you observed
5 him, what did he do during that period?

6 A. The only thing he did while he was with me was he ate and
7 sat there pretty much.

8 Q. So he sat there and he ate?

9 A. Yes.

10 Q. What did he eat?

11 A. He had Burger King. A burger from Burger King.

12 Q. And that wasn't something he brought with him, is it?

13 A. It was not.

14 Q. Is that something that you -- your office gave him?

15 A. I'm sorry?

16 Q. Is that something Shelby police department gave him?

17 A. It is.

18 Q. And did he eat that in the conference room?

19 A. He did.

20 Q. Why was he given food?

21 A. When he was brought in, my sergeant asked him if he was
22 hungry and wanted anything to eat and he said yes. And they
23 went to Burger King, it was the closest to our police
24 department, and got him something to eat.

25 Q. Did they bring you something back also?

MATTHEW STYERS - DIRECT EXAMINATION

1 A. No, they did not. I was on a diet.

2 Q. And the two hours you were with him, you say you started
3 about 11:00, correct?

4 A. Yes.

5 Q. You were with him until sometime after 1:00 o'clock?

6 A. Yes.

7 Q. That would have been the noon hour, right?

8 A. Correct.

9 Q. Standard practice for your department to provide food for
10 detainees --

11 A. Yep.

12 Q. -- when they're being held during the noon hour?

13 A. Yes, it is.

14 Q. So it's not some sort of special treatment he received?

15 A. Absolutely not.

16 Q. Did you speak with him while you were together?

17 A. Maybe twice. I asked him if he was okay, if he needed to
18 go to the rest room, and that was it. That was the only
19 conversation we had really.

20 Q. And what was his response when you asked him if he wanted
21 to go to the rest room?

22 A. No, not right now.

23 Q. When you spoke with him, did he appear to have any problem
24 understanding you at all?

25 A. No, he did not.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. When you asked him questions, was he responsive to you?

2 A. Yes.

3 Q. You mentioned the FBI came and they did an interview with
4 him. Let's turn to that. Were you -- I think you've already
5 addressed that, but you were present when that started,
6 correct?

7 A. When they entered the room, yes.

8 Q. You did not remain through that interview?

9 A. I did not.

10 Q. Is there a camera in the library?

11 A. Yes, there is.

12 Q. Does that camera capture video?

13 A. It does.

14 Q. Does it capture audio as well?

15 A. It does.

16 Q. How do you know that?

17 A. Because I've watched it.

18 Q. And what did you watch?

19 A. The video from the time that Mr. Roof was brought in till
20 the time he left.

21 Q. So have you watched that video from the -- for the entire
22 four plus hours?

23 A. I did.

24 Q. Start to finish?

25 A. Yes.

MATTHEW STYERS - DIRECT EXAMINATION

1 Q. Does your department make a copy of that video?

2 A. Yes, they do.

3 MR. CURRAN: I'm going to approach the witness.

4 Q. Detective Styers, I'm handing you four DVDs that have been
5 marked as Government's Exhibit 107. I'd ask you to take a
6 look at them, review them. Now, are you familiar with those
7 DVDs?

8 A. I am.

9 Q. And how did you familiarize yourself with them?

10 A. I watched each one of these DVDs.

11 Q. And are those the actual copies that you watched?

12 A. They are.

13 Q. How do you know that?

14 A. Because I initialed and dated them after I watched each
15 one of them.

16 Q. All right. And I think it's already implicit in your
17 answer, but what are the -- what is contained on the DVDs?

18 A. The time that Mr. Roof was brought to the Shelby police
19 department, the entire stay through the interview and till the
20 end when he left.

21 Q. So the record is clear, there's four sequential DVDs that
22 contain the entire video, right? It's not four copies of one
23 video?

24 A. Right, that is correct.

25 Q. Have you compared what is on there with what the Shelby

MATTHEW STYERS - DIRECT EXAMINATION

1 police department holds as the videos in its records?

2 A. I do.

3 Q. And is what you possess there and what you reviewed, is
4 that a complete and accurate copy of the video of the time
5 that defendant Roof was in the conference room?

6 A. Yes, it is.

7 Q. And that includes the period when he was interviewed by
8 the FBI, correct?

9 A. That is correct.

10 MR. CURRAN: Your Honor, at this point we move for
11 admission.

12 MR. BRUCK: No objection.

13 THE COURT: Government 107 admitted without
14 objection.

15 (Government Exhibit 107 received.)

16 MR. CURRAN: The video -- and, Your Honor, we're not
17 going to publish the video with this witness.

18 THE COURT: Very good.

19 BY MR. CURRAN:

20 Q. The video has a date and time stamp running in the video
21 frame. Is that date and time stamp accurate?

22 A. Yes, it is.

23 Q. The video also appears to be slightly washed out. Can you
24 explain to the jury why that is?

25 A. With our camera system, there's a window to one side of

MATTHEW STYERS - DIRECT EXAMINATION

1 this conference room or slash interview room. With that light
2 coming in and daylight, it makes the camera a little grainy.
3 At nighttime interviews would be easier to view or a little
4 bit better to view, but the light changes the camera just a
5 little bit. Of the picture.

6 Q. And the -- but you're still able to see the individuals in
7 the conference room, correct?

8 A. Yes, that is correct.

9 Q. Were you still at the police department when the FBI
10 interview concluded?

11 A. I was.

12 Q. And where were you at that point?

13 A. When the interview was done, I went back into the
14 interview room and we transported him from the police
15 department to our law enforcement center.

16 Q. And did you have any -- Would you repeat that answer?

17 A. I'm sorry?

18 Q. Could you say that again; didn't quite catch it.

19 A. After the FBI interview was done, I went back in the room
20 and then we transported Mr. Roof to our law enforcement
21 center.

22 Q. That's what I thought you said. Did you participate in
23 that transport as well?

24 A. I did.

25 Q. Did you observe anything at that point that was unusual

MATTHEW STYERS - DIRECT EXAMINATION

1 about his physical condition?

2 A. No, I did not.

3 Q. Did you observe at that point anything that was unusual
4 about his behavior?

5 A. No.

6 MR. CURRAN: No further questions of the witness at
7 this time.

8 THE COURT: Cross-examination.

9 MR. BRUCK: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. BRUCK:

12 Q. Morning, Mr. Styers, I'm David Bruck.

13 A. Hey, how are you.

14 Q. Just have a few things to ask you.

15 A. Okay.

16 Q. Mr. Roof, during the -- you were with him for two hours,
17 give or take?

18 A. Yes.

19 Q. And during that whole time he was handcuffed, leg irons
20 and -- I'm sorry, chained on his ankles and wearing handcuffs?
21 Correct?

22 A. Yes.

23 Q. In front?

24 A. Yes.

25 Q. In fact, he moved the cuffs, he came in the interview room

MATTHEW STYERS - CROSS-EXAMINATION

1 with the cuffs on at the back, and you turned them around and
2 put them in front, is that correct?

3 A. That is correct.

4 Q. And he remained like that for the next two hours --

5 A. That is correct.

6 Q. -- while you were with him?

7 A. Yes.

8 Q. Okay. And let me ask you about the burger. He -- I'm
9 sorry, let me ask you about the hamburger. He didn't raise
10 the issue of wanting something to eat, did he?

11 A. He did not, no.

12 Q. You did?

13 A. I didn't personally, but my sergeant did, yes.

14 Q. There was a second officer in the room?

15 A. Yes, that's correct.

16 Q. Part of the time. And he said, don't you want something
17 to eat? Correct?

18 A. That's correct, yes.

19 Q. And Mr. Roof said -- and your partner asked Mr. Roof, had
20 he had anything to eat that day, right?

21 A. That's correct. Yes.

22 Q. And Mr. Roof said, well, a bag of chips. But he wasn't
23 hungry. Correct?

24 A. That's correct.

25 Q. Or words to that effect.

MATTHEW STYERS - CROSS-EXAMINATION

1 A. That's correct.

2 Q. And then your officer said, come on, we can get you a
3 burger, right?

4 A. He asked him if he was hungry and did he want a burger or
5 anything like that.

6 Q. And he said?

7 A. He said that -- he asked him if he wanted a burger or
8 something.

9 Q. Right. And then finally on the second question Mr. Roof
10 said yes.

11 A. Yes, I'd like a burger.

12 Q. All right. And then another officer went out to the
13 nearest fast food restaurant, right?

14 A. That's correct.

15 Q. Which was Burger King?

16 A. Yes, sir.

17 Q. And brought him a burger.

18 A. Right.

19 Q. And that was brought into the room and given to Mr. Roof.

20 A. Yes.

21 Q. And he was left in handcuffs?

22 A. That's correct.

23 Q. And he ate the hamburger?

24 A. Yes.

25 Q. While you sat there and looked at him?

MATTHEW STYERS - CROSS-EXAMINATION

1 A. Right.

2 Q. And now, you're a detective, you do questioning of
3 suspects, correct?

4 A. That is correct.

5 Q. Although you weren't involved in questioning in this case.

6 A. Correct.

7 Q. And one of the things that you have to be sure of when
8 you're questioning a suspect is that the person's basic
9 physical needs are taken care of.

10 A. That's correct.

11 Q. Right?

12 A. Yes, sir.

13 Q. So you check and make sure that they get to go to the
14 bathroom when they need to, you make sure they're not hungry
15 or thirsty, right?

16 A. That's correct, yes.

17 Q. And that's a good law enforcement practice, because if you
18 question the suspect who is in physical distress because of
19 hunger or thirst or for whatever reason, that could raise a
20 question of whether or not they voluntarily made a statement,
21 correct? It could?

22 A. It could.

23 Q. Right. So you try to avoid that by attending to the needs
24 of the suspect in your control.

25 A. Right.

MATTHEW STYERS - CROSS-EXAMINATION

1 Q. And you were doing that today.

2 A. I'm sorry?

3 Q. You were doing that on the day in question with Mr. Roof.

4 A. I wasn't, because I didn't intend to interview him, so we
5 were just making sure that he was okay while he was in our
6 custody.

7 Q. That's right, and he wasn't given any special treatment
8 that wouldn't have been given to anyone else?

9 A. Absolutely not.

10 Q. Absolutely not.

11 A. No.

12 Q. He was being treated like any other suspect?

13 A. Yes, he was.

14 Q. All right. Then you have described his conduct and his
15 demeanor. Would it be fair to say that he basically stared
16 straight ahead the whole time he was with you?

17 A. Pretty much most of the time, yes.

18 Q. All right.

19 MR. BRUCK: Miss Baker, could we have Government's
20 Exhibit 107 played from minute ten just for about 60 seconds.

21 THE COURT: Mr. Bruck, you're going to play a portion
22 of Exhibit 107?

23 MR. BRUCK: Just a few seconds, then I'd like to ask
24 the witness a few questions.

25 THE COURT: Permission granted to do that.

MATTHEW STYERS - CROSS-EXAMINATION

1 MR. BRUCK: Thank you, Your Honor.

2 (Video played.)

3 BY MR. BRUCK:

4 Q. Can you see the screen?

5 A. Yes, I can.

6 Q. Let's just watch it for a few seconds.

7 Officer Styers, you described Mr. Roof as staring straight
8 ahead?

9 A. Yes.

10 Q. And that's how he appears there?

11 A. Correct.

12 Q. And with the exception of the time when he was eating the
13 burger with his hands cuffed, is that about the way he looked
14 for the entire two hours?

15 A. Yes, pretty much.

16 MR. BRUCK: Thank you.

17 THE COURT: Very good. Thank you.

18 Mr. Curran, you didn't have any follow-up questions, did
19 you?

20 MR. CURRAN: No, Your Honor.

21 THE COURT: Call your next witness.

22 MR. CURRAN: Government calls Michael Stansbury, Your
23 Honor.

24 THE CLERK: State your full name for the record
25 please.

MICHAEL STANSBURY - DIRECT EXAMINATION

1 A. Michael E. Stansbury.

2 MICHAEL STANSBURY, a witness called by the Government,
3 first having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CURRAN:

6 Q. Agent Stansbury, please tell the jury your name.

7 A. Michael E. Stansbury.

8 Q. And what do you do for a living?

9 A. I work for the Federal Bureau of Investigation.

10 Q. Are you an agent with the --

11 A. Yes, I am a special agent, I'm actually right now the
12 acting assistant special agent in charge of our criminal
13 branch here in South Carolina.

14 Q. I'll ask you a question about that in a little bit. How
15 long have you been an agent with the FBI?

16 A. I've been with the FBI about 16 and a half years.

17 Q. And how long have you been in law enforcement generally?

18 A. Since 1992, so what, 24 years?

19 Q. I think that works out. Would you briefly describe for
20 the jury what law enforcement experience you had prior to
21 joining the FBI.

22 A. In 1992 I was a police officer with the Terrell, Texas
23 police department. In '96 I became a state trooper with the
24 Texas Department of Public Safety and Highway Patrol, and then
25 in 2000 I was hired by the FBI, went to Quantico, Virginia,

MICHAEL STANSBURY - DIRECT EXAMINATION

1 graduated, and was assigned here in -- Columbia, South
2 Carolina as a special agent.

3 Q. And is that where you work currently, in Columbia?

4 A. Yes, I do.

5 Q. Is that where the regional headquarters is? For the FBI?

6 A. Yes, the field office for South Carolina.

7 Q. How long have you worked for the Columbia field office?

8 A. Well, 16 and a half years. Other than my stint in
9 Washington, D.C. for a year and a half.

10 Q. And you mentioned earlier that you are currently the
11 assistant special agent in charge there. What does that mean?

12 A. Well, the field office is run by a special agent in
13 charge. We had 56. And then underneath him are the assistant
14 special agent in charge. Here in South Carolina we have two,
15 one supervisors national security, I supervise the criminal
16 branch right now, I'm just the acting. What I do is I
17 supervise all the squads. The supervisor, like Agent Womble
18 is the supervisor here in Charleston, I'm over him right now.
19 And then my normal job is I'm a supervisory special agent just
20 like Agent Womble, and I supervise our violent crime squad in
21 Columbia.

22 Q. So let's turn from your background to the night of
23 June 17th of last year, the night of the Emanuel AME
24 shootings. Were you involved that evening in the FBI's
25 response to those shootings?

MICHAEL STANSBURY - DIRECT EXAMINATION

1 A. Yes, I was.

2 Q. Would you briefly describe for the jury your initial
3 involvement that evening, what role you played?

4 A. Initially that evening I went to our field office in
5 Columbia, and -- well, to open up an investigation, open a
6 case file up that we have to do and to set up a secondary or
7 auxiliary command post to start managing FBI resources up in
8 Columbia that we may need to dispatch down to Charleston.

9 I made contact with Agent Brian Womble, who was the
10 supervisor, he gave me the details that he had in the initial
11 details of the event. We had a discussion about what to open.
12 One of the things we can do is -- to assist is -- mass
13 shootings, we have a certain type of things we do for that,
14 but based on the information he gave me, I felt that the best
15 case we should open was a hate crimes investigation.

16 Q. So what you were just describing there, sounds as if that
17 involved passing and receiving information about what had
18 happened and what the investigation and early stages was
19 revealing?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Did your involvement -- that was the night of June 17th.
24 Would your involvement continue the next day on June 18th?

25 A. Yes, it did. After I went home that night I had spoken

MICHAEL STANSBURY - DIRECT EXAMINATION

1 with the then assistant special agent in charge who actually
2 had come to Charleston, and I was going to come back the
3 following day and relieve people in our command post here in
4 Charleston.

5 Q. Stop you a second, because you hadn't gone down the night
6 before.

7 A. I did not, I went home about 2:30 in the morning.

8 Q. Initially you were going to relieve the people who had
9 been working it since the incident?

10 A. Yes, sir.

11 Q. Continue, please.

12 A. That following morning I woke up, and at about 7:28 I
13 called Agent Brian Jones, a supervisor who was headed to
14 Charleston with me.

15 Q. Let me stop you for a second just so they understand the
16 context and the names. Who is Brian Jones?

17 A. He's a supervisory special agent also in Columbia, he runs
18 the other squad. We have two.

19 Q. What squad does he run?

20 A. White collar crime, civil rights squad.

21 Q. You already indicated this was being treated already as a
22 civil rights offense?

23 A. Yes, sir.

24 Q. Continue.

25 A. I was advised -- when I called him, he had gotten in early

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1 because he didn't come out the night before, and he was
2 already in Charleston. I told him I was getting ready and I'd
3 be down there leaving shortly. And at that point in time in
4 our conversation he stated that he had just received some tips
5 about a possible suspect up in Columbia.

6 Q. All right. So we're going to ask you about that in a
7 minute. That day did you -- were you working by yourself or
8 working with anybody else?

9 A. Well, I ended up getting some other agents to work with
10 some other agents that day.

11 Q. And was there any agent in particular that you worked with
12 for the most part that day?

13 A. Yes, Agent Craig Januchowski.

14 Q. Who is Craig Januchowski?

15 A. Well, Craig Januchowski is a special agent, he used to
16 work on my squad as a violent crime agent investigator, he was
17 assigned as kind of our liaison behavioral analysis unit at
18 the Quantico, Virginia, and had a lot of experience in violent
19 crime investigations. At the time though he had been
20 transferred and was working on international terrorism squad.

21 Q. And had you worked with Agent Januchowski before?

22 A. Yes, I had, on several cases.

23 Q. You mentioned earlier that you had received some
24 information that you were going to be following up on,
25 correct?

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1 A. Yes, sir.

2 Q. Why don't you describe for the jury what information you
3 initially received regarding the shooting that morning.

4 A. I received a tip that came in from a Dalton Tyler, that a
5 man named Dylann Roof was the possible AME shooter, as we were
6 calling him at the time. Or the shooter. And that he had a
7 possible address in Columbia, and someone needed to go by
8 there and check that place out.

9 Q. So what did you do in response to that information?

10 A. Well, I told most everybody in Charleston by this time, I
11 told Agent Jones that I would just stay in Columbia and handle
12 these leads in -- get some other agents to assist me. So I
13 contacted Agent Januchowski, Task Force Officer DeJesus and
14 some other agents and officers to come with me to follow these
15 leads up.

16 Q. And where did you go?

17 A. I went to XXXXXXXXXXXXXXXXXXXX in Columbia, South Carolina.

18 Q. Who resides at XXXXXXXXXXXXXXXXXXXX?

19 A. That is the home of Bennett -- Ben Roof.

20 Q. Who is Ben Roof?

21 A. He is Dylann Roof's father.

22 Q. And why did -- where does he live, for the people who are
23 not familiar with Columbia area generally, where does he live,
24 not the address.

25 A. Basically almost downtown, it's just east of downtown in

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1 Columbia. You would have to go downtown on Elmwood Avenue and
2 back.

3 Q. And why did you go to his home?

4 A. A second tip came in while I was en route or we were
5 trying to figure out exactly where Dylann Roof lived, basic
6 information we had. That tip came from Amber Roof, who is
7 Dylann Roof's sister, who had contact --

8 MR. BRUCK: If Your Honor please, we'd like the
9 Government to be cautious about getting hearsay. I realize
10 these are preliminary questions, but at the same time we ask
11 no actual hearsay be admissible. We don't have a 302 from
12 this witness regarding this part of his testimony. It's a
13 little hard to anticipate where it's going, but we would like
14 to object prospectively.

15 MR. CURRAN: None of this is offered for the truth of
16 the matter asserted.

17 THE COURT: Overruled. Just background information.

18 BY MR. CURRAN:

19 Q. Again, I think the question was why did you go to
20 Mr. Roof's, and you were explaining that you had received
21 additional information.

22 A. Yes, sir. And in that, Agent Jones back at the command
23 post of the joint command post here in Charleston was able to
24 come up with the address of XXXXXXXXXXXXXXXXXXXX. I don't know
25 whether he got that specifically from her or through DMV

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1 records, but he -- Agent Jones provided me with the address.

2 Q. And did you actually make it to Ben Roof's home?

3 A. Yes, I did. I made it to the home, I was the first one
4 there. While I was waiting for another agent to show up and
5 arrive, I then received information that Ben Roof himself was
6 on the phone with Agent Hamski, the case agent in this
7 investigation, who was at the home and telling him that he
8 also -- what his belief was too. And at that point in time I
9 had felt confident that Dylann Roof was not at the house, and
10 so I went in and got out and met Ben Roof and the other family
11 members in the front yard.

12 Q. Let me stop you for a second. When you arrived, was Agent
13 Januchowski with you?

14 A. No, he was not.

15 Q. He was not there at that point. Did he join you at some
16 point at the home?

17 A. Yes, he did.

18 Q. When you arrived, what did you observe? Or what happened?

19 A. Well, after I got out of the car and walked out, as I was
20 walking up to the house, Ben Roof; the grandfather, Joseph
21 Roof, Senior; the uncle, Joseph Roof, Junior; and Morgan Roof,
22 a juvenile, half sister of Dylann Roof, had all come outside,
23 and I met with them outside and identified myself.

24 Q. And did you speak with them?

25 A. Yes, I did.

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1 Q. Did you speak with anybody in particular primarily?

2 A. Ben Roof pretty much led the conversation from the
3 family's point of view.

4 Q. And again, that was defendant Roof's father?

5 A. Yes, sir.

6 Q. Did any of them -- You were trying to figure out where
7 Mr. Roof was, correct?

8 A. That's correct.

9 Q. Did any of them indicate they knew where he was at that
10 point in time?

11 A. They did not know where he was, he wasn't at the house,
12 and they advised if he was with anyone, most likely be with a
13 guy named Joey Meek.

14 Q. And who is Joey Meek?

15 A. A friend of Dylann Roof's.

16 Q. And did they indicate any other places where Mr. Roof
17 might be?

18 MR. BRUCK: Objection, Your Honor. I simply wish to
19 ensure that the addresses of his family not be needlessly
20 disclosed. It's already been done with respect to the father;
21 I want to make sure it's not done with respect to the mother.

22 THE COURT: Well, this is a public trial, it's --
23 this is the way things are. Mr. Curran, just to the extent
24 it's not necessary for you to make a record, I overrule the
25 objection.

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1 MR. CURRAN: It is not necessary and we have no
2 objection to the witness just describing where these homes are
3 generally.

4 THE COURT: You may proceed.

5 MR. BRUCK: Thank you.

6 A. The other possible location we received was that the
7 family had a pond house in rural South Carolina.

8 Q. And did you also discuss with them Mr. Roof's activities
9 in the days before the shooting?

10 A. Yes, we did.

11 Q. And did you also discuss with them whether Mr. Roof had a
12 gun?

13 A. Yes, we did.

14 Q. And what did they tell you?

15 A. That he did have a gun.

16 Q. Did you or -- and did you search the house?

17 A. I did not. We asked if Mr. Roof or Dylann Roof had any
18 items in the house; Bennett Roof indicated that he did.

19 Q. Let me stop you. You said we. Was Agent Januchowski with
20 you at that point?

21 A. At that point Agent Januchowski was with me. And Mr. Ben
22 Roof indicated that he did have some items. At that point we
23 asked for consent to go in and get the items, and Mr. Roof
24 consented. And he took Agent Januchowski inside the house to
25 collect those items at that point while I worked back with

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1 command post trying to identify Joey Meek, so we could try and
2 locate him.

3 Q. And so you didn't go into the house?

4 A. I did not.

5 Q. When Agent Januchowski came back out, what did he have?

6 A. When he came back out he had retrieved a birthday card
7 that contained a note, I believe it was about six pictures,
8 primarily of Dylann Roof, and a DVD, a video of the -- DVD
9 movie of -- the movie was called Made in Britain with Tim Roth
10 from 1982.

11 Q. And, Agent Stansbury, I'm handing you what has been marked
12 for purposes of identification as exhibits Government
13 Exhibit 108, 109 and 110. If you would review each of those.

14 A. Yes, sir.

15 Q. Are you familiar with those items?

16 A. Yes, sir.

17 Q. How did you become familiar with that?

18 A. These are the items that we received from Bennett Roof's
19 house that belonged to Dylann Roof.

20 Q. And what is Exhibit 108?

21 A. 108 is the birthday card that was given --

22 Q. No need to explain at this point.

23 A. Yes, sir.

24 Q. It's a birthday card.

25 A. Yes, sir.

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1 Q. Is there a note inside of it?

2 A. Yes, there is.

3 Q. And what is Exhibit 109?

4 A. 109 is -- are the photographs that were of Dylann Roof.

5 Q. And what is Exhibit 110?

6 A. It's the movie, the DVD movie Made in Britain.

7 Q. All right. And did you interview defendant Roof later
8 that day?

9 A. Yes, sir, I did.

10 Q. And did you use each of these items during that interview?

11 A. Yes, sir.

12 MR. CURRAN: All right. Your Honor, we'd move for
13 the admission of Government 108, 109 and 110 at this time, and
14 we're going to defer publishing them.

15 THE COURT: Any objection?

16 MR. BRUCK: No, sir.

17 THE COURT: Government 108, 109 and 110 admitted
18 without objection.

19 (Government Exhibits 108 through 110 received.)

20 BY MR. CURRAN:

21 Q. What did you do next after you received these items?

22 A. Well, after having received them, pretty much with that I
23 spoke again, asked about a computer, Mr. Bennett -- Ben Roof
24 indicated he had a computer and he consented to us searching
25 and doing a more thorough search of the house and the

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1 computer. So I made arrangements for our computer analysis
2 response team to come to the house to image that computer and
3 for other agents to come and do a more thorough search of the
4 house.

5 Q. Did you do anything in particular with the photos that you
6 had received?

7 A. Yes. Myself, I then took the notes, the birthday card and
8 note, I took a picture of that, and took a picture of two of
9 the photographs of Dylann Roof, and sent them back to Brian
10 Jones. I texted them at the command post, because at this
11 time we're trying to verify or get a match that Dylann Roof is
12 the same man in the video going into the church.

13 Q. And what, if anything, did you do next?

14 A. After Agent Jones confirmed with me, because I had not
15 seen that video going into the church, that it indeed was
16 100 percent match and everyone else agreed it was the match, I
17 then proceeded to trying to focus on finding Dylann Roof and
18 get the information out.

19 Q. So did you go somewhere besides the Roof home at that
20 point?

21 A. Yes, I had made arrangement, other agents had responded to
22 Dylann Roof's mother's house in another location. At this
23 point we felt Joey Meek was the best place or person he might
24 be with, based on the interviews with the family. And other
25 law enforcement agents went to Joey Meek's mother's house,

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1 which was in Lexington, South Carolina, or Lexington County.

2 And then myself and Agent Januchowski and some other agents
3 went to Joey Meek's father's house in Elgin, South Carolina.

4 Q. What did you find when you got to Joey Meek's father's
5 house?

6 A. I found Joey Meek's father and stepmother, but did not
7 find Joey Meek, but the other agents did find Joey Meek in
8 Lexington.

9 Q. So other agents had found him?

10 A. That's correct, yes, sir.

11 Q. So that -- Joey Meek's father's house was a bit of a dead
12 end for you.

13 A. Correct, yes, sir.

14 Q. What did you do then at that point?

15 A. At that point in time we then proceeded to go to the pond
16 house which was in rural South Carolina to see if Dylann Roof
17 could be there. That was at a location much further away, so
18 it was going to take some time to get there, but we started
19 driving up that way.

20 Q. Was Agent Januchowski still with you at this point?

21 A. Yes.

22 Q. Did you remain together essentially for the rest of that
23 day?

24 A. Yes, we were in separate cars but we were together going
25 to the same location.

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1 Q. Did you make it to the pond house?

2 A. No, we did not.

3 Q. Why not?

4 A. About, I would say not even halfway there, I received a
5 call from the command post, or Brian Jones, that Dylann Roof
6 had been captured or arrested in Shelby, North Carolina.

7 Q. And what did you decide to do at that point?

8 A. At that point in time I then directed another agent with
9 me, Kevin Conroy, to go back to Dylann Roof's father's house
10 to oversee the search that was going on and handle that. And
11 then I told Agent Januchowski, who had been on the telephone
12 with our behavioral analysis unit in Quantico, Virginia, and
13 been providing them information and getting information from
14 them about for possible interview, to come with me, that I was
15 going to go up to Shelby, North Carolina to coordinate the
16 FBI's response up there. Because I contacted our Charlotte
17 office, and they sent agents out there, too, to work with
18 them. And I wanted Agent Januchowski to be up there, because
19 I was told an interview team would be coming later in the day,
20 and I wanted him to be a liaison between our behavioral
21 analysis folks and the interview team, to make sure they had
22 all the information necessary for the interview.

23 Q. Is North Carolina a separate FBI jurisdiction?

24 A. Yes, out of the Charlotte field office.

25 Q. So you were going up to be a liaison between your field

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1 office and that field office with regard to the investigation?

2 A. Correct. Although we're one FBI, it's almost like having
3 56 different agencies across the country. So it's best if you
4 can have a liaison go up and work with them.

5 Q. Did you go up there for the purpose of interviewing
6 Mr. Roof?

7 A. No, I did not.

8 Q. What time did you arrive in Shelby?

9 A. It was just a little bit after noon, after 12:00.

10 Q. And where did you go when you got to Shelby?

11 A. I went to the police station.

12 Q. And had you learned that that's where Mr. Roof was being
13 held?

14 A. Yes.

15 Q. And what did you find when you got to the police station?

16 A. When I first walked to the police station I went in, I was
17 taken up, I believe it was the second floor, could have been
18 the third floor, and I was speaking with an officer that was
19 bringing me up to where the chief and the district attorney
20 were already there. And we went past a room with a conference
21 room with a table in it, a small conference room. Inside that
22 room I saw who I later learned to be was Officer Styers, and
23 then Dylann Roof was sitting at a table eating a hamburger.

24 Q. And how did Mr. Roof appear to you at that point?

25 A. He appeared fine to me, appeared to be normal, just

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1 sitting there eating a hamburger. He was not upset, crying,
2 or showing any emotions.

3 Q. Did you eventually speak -- you didn't speak with Mr. Roof
4 at that point?

5 A. No, I did not.

6 Q. Did you eventually speak with him?

7 A. Yes, I did.

8 Q. And describe briefly how that came about.

9 A. As I kept being -- I was having discussions back and forth
10 with the command post, back and forth with the district
11 attorney in Cleveland County, North Carolina, the chief, and
12 things were going on, and then found out that the interview
13 team that was supposed to have been en route at the same time
14 I was leaving essentially, but by plane, was not now going to
15 leave till 4:30 or 5:00 that afternoon. That we were wasting
16 a valuable opportunity to try to talk to Mr. Roof to find out
17 exactly what happened. The longer we waited, the less likely
18 we were going to be able to have had the opportunity to
19 interview him and find out exactly why he did this.

20 Q. What did you decide to do?

21 A. I felt that we needed to interview him. So I talked to my
22 superior back at the command post here in Charleston, and I
23 told him what I felt needed to happen. And they gave me the
24 go ahead to go ahead and interview Mr. Roof.

25 Q. And did you subsequently interview him?

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1 A. Myself and Agent Januchowski did, yes, sir.

2 Q. And where did that interview take place?

3 A. In the Shelby police department in that same small
4 conference room where he had been sitting when I first
5 arrived.

6 Q. Normal conference room from what you could tell?

7 A. Yes, sir, it was a normal conference room with windows, a
8 table in the middle with chairs around it.

9 Q. Do you know whether there's a camera in that conference
10 room?

11 A. I knew there was a camera in the conference room because
12 the Shelby police officers told me, told me they'd been
13 videoing him ever since they brought him in, gave him his
14 hamburger and turned the recorder on.

15 Q. Do you know whether that camera and that video also
16 included audio?

17 A. Yes, it did.

18 Q. Do you know whether it was -- that camera was recording
19 that day when you interviewed Mr. Roof?

20 A. Yes, it was.

21 Q. And how do you know that?

22 A. Well, because after it was done, I retrieved -- I had them
23 download a -- download the video onto DVDs, and I have since
24 reviewed that DVD and the interview on there.

25 MR. CURRAN: Your Honor, I'm going to approach the

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1 witness.

2 THE COURT: You may.

3 BY MR. CURRAN:

4 Q. Agent Stansbury, I'm handing you what's been marked for
5 purposes of identification as Government Exhibit 5. If you
6 would review that, please.

7 THE COURT: Government 5?

8 MR. CURRAN: Yes, Your Honor.

9 THE COURT: Very good.

10 A. Yes, sir, this is a --

11 Q. Let me ask the questions. Are you familiar with those?

12 A. Yes, I am.

13 Q. How did you become familiar with this?

14 A. Well, this specific one is I reviewed this in its entirety
15 with you at the U.S. Attorney's office on November 18th, 2016,
16 to verify that it was indeed the exact recording of the
17 interview, and then I signed and dated it after a completion
18 of reviewing it.

19 Q. Is that how you know it's the one you reviewed?

20 A. Yes, sir.

21 Q. What is it?

22 A. That contains the video of the entire interview of Dylann
23 Roof on that day in Shelby, North Carolina.

24 Q. You said the entire interview. Have you reviewed it to
25 determine whether it's a complete and accurate copy of the

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1 interview?

2 A. Yes, I have.

3 Q. And is it?

4 A. Yes, it is.

5 Q. Does it cover the entire time you and Agent Januchowski
6 were in the conference room with Mr. Roof?

7 A. Yes, it does.

8 MR. CURRAN: At this point we move for admission of
9 Government's Exhibit 5.

10 THE COURT: Government -- Defense response?

11 MR. BRUCK: No objection.

12 THE COURT: Very good. Government 5 is admitted
13 without objection.

14 (Government Exhibit 5 received.)

15 BY MR. CURRAN:

16 Q. So the record is clear, this exhibit is just the FBI
17 agent, correct?

18 A. That's correct, yes.

19 Q. Doesn't include any portions of the video from before you
20 entered the room.

21 A. That's correct.

22 Q. Not any significant portions before you entered the room.
23 The video includes captioning of the discussion between you
24 and Agent Januchowski and Mr. Roof. Who prepared the
25 transcript on which that caption was based?

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1 A. I did.

2 Q. And does that a transcript accurately reflect your
3 recollection --

4 A. Yes, it does.

5 Q. -- of the interview?

6 A. Yes, sir.

7 Q. Who is in -- I'm going to retrieve the exhibit. Who is in
8 the interview room when you first went into the room?

9 A. It was Officer Matt Styers and Dylann Roof.

10 Q. And had you ever met the defendant before you entered that
11 conference room?

12 A. No, I hadn't.

13 Q. How did he appear to you? You'd seen him earlier. How
14 did he appear to you when you entered?

15 A. He was the same, he was sitting there, he was calm, he
16 showed no real emotion. Much like people looked at each other
17 sitting in the jury box, just like how y'all are sitting right
18 now, just being attentive to what we had to say when I first
19 walked in.

20 Q. Any indication of fatigue?

21 A. No, sir.

22 Q. Did he appear to be sleepy, eyes drooping, anything like
23 that?

24 A. No, sir.

25 Q. Any indication to you, did you observe an indication of

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1 mental impairment?

2 A. No, sir.

3 Q. And did you observe any indication he was under the
4 influence of any substance?

5 A. No indication he was under the influence of any
6 substances.

7 Q. How long were you with him?

8 A. In the interview was approximately two hours.

9 Q. At any point during the interview did you smell anything
10 like alcohol on his breath or anything like that?

11 A. No, sir.

12 Q. Did he object in any way to speaking with you and Agent
13 Januchowski?

14 A. No, he did not.

15 Q. And when you entered that room and you sat down with him,
16 you had not planned on doing this, correct?

17 A. That's correct.

18 Q. You had not really prepared for doing this?

19 A. That's -- yes, sir, correct.

20 Q. Other than your life ex -- law enforcement experience.

21 A. Yes, sir.

22 Q. What was your goal, what was your objective when you
23 started?

24 A. My objective was, one, to get him to confess and admit
25 that he committed this crime, and two was the reason why, the

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1 motive, why he actually committed this crime, why he did it.
2 That was probably almost more important than the fact that he
3 did it.

4 MR. CURRAN: Your Honor, at this point Government
5 requests permission to begin publishing the exhibit to the
6 jury.

7 THE COURT: Granted.

8 (Video was played.)

9 BY MR. CURRAN:

10 Q. Just to orient the jury, there's three individuals in the
11 video, correct?

12 A. Yes, sir.

13 Q. One person at the bottom about to sit down. Not the most
14 flattering aspect of you. Who is that person?

15 A. That's me. About to sit down.

16 Q. And who is to the left?

17 A. That is Agent Januchowski.

18 Q. And who is to the right?

19 A. Dylann Roof.

20 Q. Okay. Now, Agent Stansbury, when you came into the room,
21 you took his cuffs off?

22 A. Yes, sir.

23 Q. You gave him a bottle of water?

24 A. Yes, sir.

25 Q. And you engaged in some chat with him.

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1 A. Yes.

2 Q. Talked about you're from Texas? You suspected this man of
3 having killed nine people the night before. Why would you
4 treat him that way?

5 A. It's part of rapport building. You come in, you have to
6 be cordial with the people. You don't want to beat them with
7 a phone book, but you have to be cordial with them, you have
8 to build that rapport with them, and you want them to open up
9 to you and feel like they can just tell you their story.

10 Taking the cuffs off is something I always do, because I
11 want them to feel like I'm not threatened by them, that they
12 can open up. He still had leg irons on, and I felt that
13 myself and Januchowski, if he tried to do something, could
14 handle him. I knew he didn't have a weapon at that point. So
15 I always take the cuffs off. Just something I want to do when
16 I talk to them, natural thing so they can explain with their
17 hands, make them feel more comfortable. And the more
18 comfortable they are, the more likely they are to open up and
19 tell us what we want to know.

20 Q. You were discussing the portion just before we stopped,
21 you were discussing a form with him. What was that form?

22 A. It's the advice of rights form or the Miranda form that we
23 have to give to someone and they waive before --

24 Q. And why do you discuss that form?

25 A. So it needs to be clear that they have been given their

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1 rights, understood their rights and voluntarily wished to
2 speak to us to allow the confession to come forward.

3 MR. CURRAN: Your Honor, I'm handing the witness
4 what's been marked as Government's Exhibit 111.

5 BY MR. CURRAN:

6 Q. Please review that.

7 A. Yes, sir.

8 Q. Are you familiar with that document?

9 A. Yes, I am.

10 Q. And what is it?

11 A. This is the advice of rights form that we used for
12 Mr. Dylann Roof. And we actually had to use a Shelby police
13 department advice of rights form, because we have our own FBI
14 advice of rights form, but I didn't have them with me and I
15 don't think Agent Januchowski had one with him. And so we
16 grabbed one of theirs.

17 Q. Is that the actual form that you used that day?

18 A. Yes, it is.

19 MR. CURRAN: Your Honor, we'd move to admit
20 Government's Exhibit 111.

21 MR. BRUCK: No objection.

22 MR. CURRAN: And publish it to the jury.

23 THE COURT: Any objection from the defense?

24 MR. BRUCK: No objection.

25 THE COURT: Government 111 admitted without

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1 objection.

2 (Government Exhibit 111 received.)

3 BY MR. CURRAN:

4 Q. It appears in the video you can see he appears to have
5 signed it. On your video -- on your screen you should see a
6 highlighted portion of that at the bottom, which are three
7 signatures. Which signature is that on the right?

8 A. On the far right is Dylann Roof's signature.

9 Q. And who are the other two signatures?

10 A. The one on the far left officer is my signature, and the
11 witness is Craig Januchowski.

12 Q. In the body of the form there are the Miranda warnings,
13 correct?

14 A. Yes, sir.

15 Q. And there are some initials next to those?

16 A. Yes, sir.

17 Q. Whose initials are those?

18 A. Those are Dylann Roof's initials next to each right, to
19 make sure he understood exactly each specific right that he
20 had.

21 Q. Now, on the video you had him read that final section out
22 loud.

23 A. Yes, sir.

24 Q. Why did you do that?

25 A. It's the waiver part, and it -- we wanted -- it was him

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1 making a verbal waiver out loud that he read it, and so there
2 was no doubt that he read it and he understood it and he
3 voluntarily waived his rights to speak with us.

4 Q. Were you observing him closely as he did this?

5 A. Yes, sir.

6 Q. Did you observe anything that indicated to you that he did
7 not understand what you were telling him?

8 A. No, sir.

9 Q. Did he do anything that indicated he was not willing to
10 waive those rights?

11 A. No, sir.

12 MR. CURRAN: Okay. I'm going to resume publishing to
13 the jury, Your Honor?

14 THE COURT: Yes.

15 (Video was played.)

16 BY MR. CURRAN:

17 Q. All right. Defendant appears to have just told you what
18 he did the night before. That was pretty quick.

19 A. Yes, sir.

20 Q. Is that unusual in your experience in an interview?

21 A. Yes, sir, it was extremely unusual. I mean, he got right
22 to it.

23 Q. Why did you decide to broach that topic so quickly?

24 A. When I was -- when I was talking with him, I just had a
25 feeling that, I mean, he wanted to tell it. Otherwise he

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1 would have never waived his rights. And it was -- we needed
2 to get right to the point of what was going on there, so we
3 kind of -- I just nipped the rapport building in the bud there
4 and went right to asking him what happened. This was not like
5 a six-month homicide investigation where I had a lot of time
6 to prepare and know all kind of details. I had limited
7 information, and at this point I just felt to ask him what
8 happened.

9 Q. So you were sitting right next to him, correct?

10 A. Yes, sir.

11 Q. So you observed something that indicated to you that he
12 wanted to tell you?

13 MR. BRUCK: Your Honor, I have to object to the
14 agent's internal thought processes. The confession speaks for
15 itself, and the reason the agent did what he did is not
16 relevant.

17 THE COURT: Mr. Curran?

18 MR. CURRAN: The question actually, Your Honor, is
19 did he observe something.

20 THE COURT: That's the more proper question. I
21 sustain the objection as made, but you can ask what he
22 observed.

23 MR. CURRAN: Thank you.

24 BY MR. CURRAN:

25 Q. What did you observe that indicated to you that he wanted

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1 to talk?

2 A. His body language, and just the way he was sitting there
3 and acting, and the fact that he allowed us to be in there,
4 his movements, gestures, and to have -- the small talk, I
5 guess the rapport building that I was trying to make with him,
6 he wasn't too interested in that. You saw how fast he went
7 through his education and that was that, where he lived, so it
8 was obvious to me, based on that, that he did not want to make
9 small talk.

10 Q. He mentioned using a Glock .45. Are you familiar with
11 that weapon?

12 A. Yes, sir.

13 Q. What is it?

14 A. It's a Glock, I believe a Glock 21. Glock .45 is a large
15 caliber handgun, very similar to the FBI, we use Glock 22s,
16 which are .40 caliber, a little smaller bullet. It's just a
17 bigger gun that shoots that and that holds 13 rounds plus one
18 in the magazine.

19 Q. You say it's a larger caliber, bigger gun; is it a more
20 powerful gun?

21 A. Yes, sir, shoots a bigger bullet.

22 Q. Have you fired one?

23 A. Yes, I have.

24 Q. What's it like to fire a Glock .45?

25 A. Well, a Glock .45, or .45 in general, has a lot of kick.

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1 It's not as much as a .44 Magnum, but it is a larger heavy
2 gun, and the shell comes out, gives a kick, which your hand
3 will go back more so. You don't -- when you start training to
4 carry -- I carried a .45 as a state trooper in Texas, but we
5 actually started training with .38 caliber pistols and then
6 nine millimeters and worked up to the .45, nonshooters. And
7 so it takes some practice to be good with a .45, you just
8 don't go out the first time and shoot one.

9 MR. CURRAN: Your Honor, resume publishing the
10 exhibit.

11 (Video was played.)

12 MR. CURRAN: Stop it briefly.

13 BY MR. CURRAN:

14 Q. Agent Stansbury, in the interview he appears to mention
15 having a bag in which he was holding the magazines?

16 A. Yes, sir.

17 Q. And then dropping the bag when he left?

18 A. Yes, sir.

19 Q. Do you know whether a bag fitting that description was, in
20 fact, found at the scene?

21 A. Yes, one was.

22 Q. And you also -- he also mentioned not filling the
23 magazines to their capacity?

24 A. Yes, sir.

25 Q. And what was the reason he described for that?

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1 A. He said it because -- he said because he didn't want the
2 gun to jam, if he -- his magazine's filled all the way.

3 Q. And how many bullets does a Glock magazine hold?

4 A. That gun, that model holds 13, and he said he only loaded
5 11 in each magazine.

6 Q. And do Glock magazines have a tendency to jam?

7 A. No, Glock is very good weapon. The magazines, the factory
8 magazines, which he did, they're quality, they're not going to
9 jam. We actually -- by policy, we have to keep ours fully
10 loaded. There's not reason to not load them fully like you
11 would another firearm. So that did not make any sense for
12 that reason.

13 Q. And if they did have a tendency to jam, would it matter
14 whether you put 11 or 12 bullets in there instead of 13?

15 A. No, most people, if they were worried about that last
16 bullet, they just put 12 and leave one out, no reason to leave
17 two out. Especially if you were going to do this, you'd think
18 you would want all the bullets you could carry.

19 Q. So 11 bullets per magazine, he told you he had seven
20 magazines, one magazine in the gun. How many bullets is that?

21 A. That's 88 bullets.

22 Q. Okay. What was his demeanor like as he was describing to
23 you what he had done the night before?

24 A. He -- it was one of -- like other killers I've
25 interviewed, that he did what he did and he was explaining it.

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1 MR. BRUCK: Objection, Your Honor.

2 THE COURT: Sustained.

3 MR. BRUCK: Move to strike the testimony.

4 THE COURT: Motion to strike. The jury will
5 disregard that statement.

6 BY MR. CURRAN:

7 Q. Just focus on what you observed with respect to his
8 demeanor; there's no need to compare it to others.

9 A. He was calm, he wasn't upset, and he showed no regret or
10 no remorse. He just described his actions just like --

11 MR. BRUCK: Objection, Your Honor.

12 THE COURT: Sustained. Let's just say what he said.
13 We have the video, you don't need to have him characterize it.

14 MR. BRUCK: I would ask the jury be instructed to
15 disregard that.

16 THE COURT: Jury is instructed to disregard that last
17 statement.

18 Mr. Curran, it's about the time for our morning break; why
19 don't we do that.

20 MR. CURRAN: Yes, Your Honor.

21 THE COURT: Very good. Ladies and gentlemen, go to
22 the jury room.

23 (Jury excused.)

24 THE COURT: Mr. Curran, let me just say this. We
25 have a video, this is a very intelligent jury, just let them

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1 observe it, they can observe these things. If there's
2 something they can't observe that you need to raise, then
3 that's fine. But I think there's always a tendency, I had
4 this when I was practicing as well, there's a tendency to
5 overlawyer an incident. And the evidence is there, and I just
6 think you ought to just let the evidence speak for itself.

7 MR. CURRAN: Yes, Your Honor. We would note for the
8 record that the video is slightly washed out, so asking --

9 THE COURT: Fine, if there was something like you
10 couldn't see or something, but that's not really the issue
11 here, and I just think that we're -- we don't need a running
12 commentary, we're all old enough to say we don't need Howard
13 Cosell there, just watch the incident, and I think the jury
14 will get what it needs to get and we should probably get. If
15 there's some specific matter that you don't think is
16 observable, but which the witness could fairly comment and
17 observe, I think that's fine. But obviously commenting about
18 other interviews or all that, I just think that's just beyond
19 what would be appropriate.

20 MR. CURRAN: I fully understand that, Your Honor, the
21 point I'm trying to make is that his observations regarding
22 his demeanor --

23 THE COURT: I think that's fair, but I think you
24 can -- you've already done it, and I think in a minimal way,
25 but we can all see this. Okay? That's the point is you can

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1 hear his tone, his intonation, you can see it. And so the
2 commentary is really unnecessary.

3 MR. CURRAN: We understand, Your Honor.

4 THE COURT: Very good. We'll take about a ten-minute
5 break.

6 (A recess was held at this time.)

7 (Jury not present.)

8 MR. BRUCK: Before the jury comes in, Your Honor?

9 THE COURT: Yes.

10 MR. BRUCK: Two matters with respect to what happened
11 just before the break. I'd like to request a further curative
12 instruction and an admonition to this witness and to the
13 Government generally.

14 THE COURT: Give me your requested instruction.

15 MR. BRUCK: The requested instruction is that the
16 jury be told that they have just been asked to disregard
17 certain testimony, and we wish to further explain why. And
18 then I would like the Court to instruct the jury that a
19 person's demeanor -- and I apologize for not having written
20 the instruction.

21 THE COURT: I'm listening.

22 MR. BRUCK: A person's demeanor can denote many
23 things other than lack of remorse.

24 THE COURT: No, no, no, no, Mr. Bruck, we're not
25 getting into that issue. That's fine argument. Go ahead,

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1 because I want to make a comment myself about all this.

2 MR. BRUCK: All right. It can be a sign of
3 conditions that are beyond -- that are beyond the control of
4 the individual.

5 THE COURT: No, no, Mr. Bruck. Okay.

6 MR. BRUCK: May I?

7 THE COURT: Yes, please.

8 MR. BRUCK: These may include symptoms of mental
9 illness and developmental disability and other factors. It is
10 for you, not any witness, to characterize and interpret the
11 evidence you see.

12 THE COURT: Let me -- let's first of all -- excuse me
13 for interrupting you as you went there, I should have let you
14 finish. Let me explain this for a moment.

15 There is a procedure for challenging the voluntariness of
16 a statement, you and I both know that. And it's 18 U.S.C.
17 3501. And the Court first receives the information, and the
18 Court makes a determination on voluntariness. I have done
19 that. Nonetheless, the Court always charges a jury when there
20 is a confession, that the jury can hear relevant evidence on
21 the issue of voluntariness -- I'm reading from the statute --
22 and shall instruct the jury to give such weight to the
23 confession as the jury feels it deserves under all the
24 circumstances. And what that goes to, whether -- and the
25 statute actually lists, at least for the trial judge at this

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1 stage, the kind of things to consider in regard to
2 voluntariness. This goes to the circumstances, types of
3 circumstances surrounding voluntariness. I think that's fine.

4 So these questions that were raised about was he sleepy,
5 all those issues, that goes to voluntariness. And you have a
6 right on cross-examination to get into the length of time or
7 whatever other issues, that's fair game.

8 It's not a back door into mental health evidence. It's
9 not another procedure to open the door on what I call insanity
10 lite. That is, you don't meet the standards for insanity if
11 you're trying to introduce mental health evidence to do that.
12 So generally it's not admissible.

13 And I'll just point out that the -- when we were going
14 through that process on voluntariness, the defense initially
15 reserved the mental health issues, the Court prodded, because
16 I need to deal with these issues first, I knew there was this
17 problem, and the defense indicated that they would not be
18 offering any such evidence. That's docket 266 at page six,
19 and then docket No. 312 at one. And that you had no further
20 evidence to present. But I wouldn't have allowed it. Let me
21 just say, it's a little academic, because I'm not going to
22 allow evidence in as a back door to asserting insanity. To
23 the extent it is relevant to whether he's voluntary, I've
24 heard what you've given me, which I'm supposed to be the first
25 one to hear it, and I've heard it. And I have ruled. And

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1 then I'm going to allow evidence in, because the jury gets to
2 make a determination of what weight to give that evidence.

3 MR. BRUCK: Judge, this particular request has
4 nothing to do with the issue of voluntariness, it has to do
5 with the merits of the case and of the jury's judgment of this
6 defendant. I'm not -- when the witness stated that the
7 defendant exhibited no remorse, that is a statutory -- a
8 nonstatutory aggravating factor alleged with respect to
9 sentencing in this case. We have been told that we can not go
10 into sentencing, and then the prosecution does it, and it's
11 not fair. That's a bell that can't be unrung, and we want to
12 at least limit the damage. Everything we're asking for is
13 entirely defensive. I am not trying to back door anything,
14 I'm trying to make sure the Government doesn't back door
15 anything. That's the problem.

16 THE COURT: You know, sometimes the -- Mr. Curran, do
17 you want to respond?

18 MR. CURRAN: We obviously object and do not concur
19 and Mr. Bruck's objection. As I stated before the break, Your
20 Honor, we believe that given the conditions of the video,
21 questions regarding demeanor are entirely appropriate, and we
22 certainly didn't attempt to elicit the specific responses to
23 which Mr. Bruck objected and on which you have ruled. And we
24 understand your ruling.

25 THE COURT: I mean, I thought they were valid

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1 objections, I think I cured it, I instructed them, I'm not
2 getting into that instruction, the detail about what demeanor
3 means and all that. That's not proper here. But it is the
4 jury's determination about the voluntariness and what weight
5 to give it, they're entitled to give it what weight they
6 deserve. And there are limits on that, but so -- but let's
7 go, and I'm sure you -- Let me just instruct the witness that
8 you should not make comments beyond the direct questions. And
9 I really urge everyone not to overlawyer this issue. The
10 confession speaks for itself. You're going to have an
11 opportunity for closing argument. That's when you can get
12 into this. If there's specific questions on
13 cross-examination, the defense has a right to get into those
14 that go to the issue of whether the statement was, in fact,
15 voluntary or not.

16 The jury's watching, folks, they can see the videotape.
17 They don't really need my help or y'all's help. They can
18 observe it, and that's the benefit of having this as opposed
19 to having no videotape. Okay?

20 You know, I think -- I don't think there's any harm for me
21 simply to instruct the jury the law that they have a right
22 to -- that they will get a charge later, that as to any
23 confession, that they have the -- you know, that they make a
24 determination as to the weight given to the confession. That
25 is -- they're entitled to do that, as I will tell them. Do

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1 you have a problem me telling them that?

2 MR. CURRAN: I believe that's already in the final
3 instructions, Your Honor.

4 THE COURT: Yeah, well, I haven't given them yet, so
5 you don't know exactly what's in them yet, but I --

6 MR. CURRAN: We think that would be the appropriate
7 place to do that, Your Honor.

8 THE COURT: Yes, but, you know, I don't know what
9 harm there would be to say it right now, in light of the
10 striking that I've already done. I just don't think there's
11 any harm to it. It's just letting the jury know, they're new
12 to this, they just need to know, because they're getting ready
13 to watch this confession, that they will ultimately have to
14 determine the weight given. I mean, that's all it is. And
15 then they know that. Okay? I mean, that's all I intend to
16 say. So I am intending to giving them just a further, you
17 know, instruction on this matter at this point.

18 MR. CURRAN: I understand.

19 THE COURT: I think appropriate under the
20 circumstances.

21 Anything further?

22 MR. BRUCK: We would just like to adhere to our
23 original request.

24 THE COURT: I understand, and that request is noted,
25 Mr. Bruck.

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1 MR. BRUCK: Thank you.

2 THE COURT: Bring the jury in.

3 (Jury present.)

4 THE COURT: Ladies and gentlemen, just for
5 predictability for the schedule today, it's about five to
6 12:00. We will go to about 1:00 o'clock. I'm not sure this
7 tape will be finished by then, but we'll break, so we'll keep
8 the normal schedule on such matters. So we're thinking about
9 1:00 o'clock, probably around that time we will take a break,
10 if the video has not been completed.

11 I want to remind you of my opening charge to you. I told
12 you that if I struck evidence and told you to disregard it, I
13 meant that. That is, you should disregard any statements
14 which I have struck, because they are not in evidence any
15 further. As you remember I told you we only consider what's
16 in evidence, right? And I've stricken -- matters that I
17 strike are not in evidence.

18 And I want you to appreciate also that one of your many
19 responsibilities as a jury and being the ultimate determiner
20 of facts, is you must determine the weight that must be given
21 to any confession. You give it the weight you find it
22 deserves under the circumstances. That's one of your
23 responsibilities as a jury.

24 With that, please continue your examination.

25 MR. CURRAN: Thank you, Your Honor. And for the

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1 Court's reference, given where we are in the video, it isn't
2 likely we'll be finished.

3 THE COURT: I didn't think we would, I just didn't
4 want the jury to think, oh, my God, how much longer are they
5 going to keep us here.

6 MR. CURRAN: And we'll continue publishing the
7 exhibit at this time, Your Honor.

8 THE COURT: Yes, please continue.

9 (Videotape was played.)

10 BY MR. CURRAN:

11 Q. Agent Stansbury, Mr. Roof appears to have mentioned he
12 looked up churches on the internet and a specific website.
13 Are you familiar with the website he mentioned?

14 A. Yes, sir.

15 Q. And does it, in fact, have lists of churches?

16 A. Yes, it does.

17 Q. And is Emanuel AME one of the churches that it lists?

18 A. Yes, it is.

19 MR. CURRAN: Resume publishing, Your Honor.

20 (Video was played.)

21 BY MR. CURRAN:

22 Q. Agent Stansbury, Agent Januchowski just had the defendant
23 draw a diagram, correct?

24 A. Yes, sir.

25 MR. CURRAN: I'm going to approach, Your Honor.

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1 THE COURT: You may.

2 BY MR. CURRAN:

3 Q. What's been marked for purposes of identification as
4 Government Exhibit 112, please review that.

5 A. Yes, sir.

6 Q. Are you familiar with that document?

7 A. Yes, I am.

8 Q. And how do you know what it is?

9 A. This is the -- my initials, I signed it that day on
10 6/18/2015 on the back, I know I recognize it.

11 Q. And what is the actual document?

12 A. This is the drawing that Dylann Roof drew there during the
13 interview.

14 Q. And that is -- what you have, is that a copy or is that
15 the actual diagram that he drew?

16 A. It's the actual diagram.

17 MR. CURRAN: Your Honor, we'd move for admission and
18 publish to the jury.

19 MR. BRUCK: No objection.

20 THE COURT: Government 112 is admitted without
21 objection.

22 (Government Exhibit 112 received.)

23 BY MR. CURRAN:

24 Q. Now, let me back up. Just before we stopped, he indicated
25 where he had entered, how he had entered and where he and the

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1 others were sitting. First, on this diagram what did he
2 indicate to you as to where he entered?

3 A. He entered down at the lower left-hand corner where it
4 says door, right at the bottom of the paper.

5 Q. That's what he was referring to.

6 A. Yes.

7 Q. And as you saw him do in this diagram, what are the --
8 what are the two rectangles and a circle in the middle with
9 circles around them?

10 A. Those are the tables where they were having the Bible
11 study, then the circles around with people sitting around the
12 table, and then the one at the top of the circular table where
13 he drew the X through it is where he was sitting.

14 Q. So are you describing the -- as you're looking at the
15 exhibit, the table to the furthest left? And there's a single
16 circle there with an X through it?

17 A. Yes, sir.

18 Q. And is that where he told you he was sitting?

19 A. Yes.

20 Q. How many circles did he draw for the other people?

21 A. Ten.

22 MR. CURRAN: Your Honor, we'll begin republishing
23 Government's Exhibit 5.

24 THE COURT: Continue.

25 (Video was played.)

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1 MR. CURRAN: Your Honor, at this point the Government
2 would like to publish Government's Exhibit 21, which has
3 previously been admitted, it's a diagram of the interior of
4 Emanuel AME fellowship hall.

5 THE COURT: Any objection?

6 MR. BRUCK: No, I think it's already admitted.

7 THE COURT: You're republishing it. Please proceed.

8 BY MR. CURRAN:

9 Q. Agent Stansbury, have you been to the Emanuel AME
10 fellowship hall?

11 A. Yes, I have.

12 Q. Are you familiar with its basic organization?

13 A. Yes, sir.

14 Q. All right. Mr. Roof appeared to be pointing out to you on
15 the diagram where he entered and exited from the fellowship
16 hall that night?

17 A. Yes, sir.

18 Q. Where on this diagram would that be?

19 A. It would be he entered up here at the top with this
20 doorway, there's a little foyer right there. I mean, his
21 diagram was very crude, but would have come in, and then these
22 tables is where he would have been sitting.

23 Q. So in the upper, as this diagram is displaying, it's on
24 the upper right, you've put a dot near a set of doors that
25 have on the chart the word back foyer, is that accurate?

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1 A. Yes, sir.

2 MR. CURRAN: Your Honor, we'll republish.

3 THE COURT: Please continue.

4 MR. CURRAN: Begin publishing again Government's
5 Exhibit 5.

6 (Video was played.)

7 BY MR. CURRAN:

8 Q. Agent Stansbury, the defendant just mentioned something he
9 referred to as the Trayvon Martin case. Very briefly, what
10 does that refer to?

11 A. It's just referring to the -- where George Zimmerman shot
12 Trayvon Martin in Florida in 2012. That case had significant
13 media attention, and I guess brought out a lot of emotions in
14 a lot of people.

15 Q. And when did that incident take place?

16 A. I believe it was February 2012.

17 MR. CURRAN: Your Honor, I want to continue
18 publishing the exhibit.

19 THE COURT: Please do.

20 (Video was played.)

21 MR. CURRAN: Stopped at 14:14:96 on the screen.

22 BY MR. CURRAN:

23 Q. Defendant has mentioned that he had a debit card, correct?

24 A. Yes, sir.

25 Q. At any point did you search defendant Roof?

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1 A. Yes, sir, during at the beginning of the interview I
2 searched him.

3 Q. And at the end of the interview?

4 A. Yes, sir.

5 Q. Did you find a debit card on him?

6 A. Yes, he had a debit card in his pocket.

7 MR. CURRAN: I'm approaching the witness and showing
8 him Exhibit 113 marked for purposes of identification.

9 Q. Please review that.

10 A. Yes, sir, I have.

11 Q. Are you familiar with that item?

12 A. Yes, sir, this is the debit card that Mr. Roof had in his
13 pocket at the interview.

14 MR. CURRAN: We move for its admission.

15 THE COURT: What number is that?

16 MR. CURRAN: That is Government's Exhibit 113, Your
17 Honor.

18 THE COURT: Any objection?

19 MR. BRUCK: No, sir.

20 THE COURT: Government 113 is admitted without
21 objection.

22 (Government Exhibit 113 received.)

23 MR. CURRAN: There's no need to publish it at this
24 point, Your Honor. And we ask to begin republishing the
25 interview.

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1 THE COURT: Continue.

2 (Video played.)

3 MR. CURRAN: I'm approaching the witness with
4 Government Exhibit 109, which has previously been admitted.

5 THE COURT: Go right ahead.

6 BY MR. CURRAN:

7 Q. Mr. Stansbury, can you review those. On the video it
8 appears that you are putting a photo in front of the defendant
9 at that point.

10 A. Yes, sir.

11 Q. Is that one of the pictures that we discussed earlier, one
12 of the pictures you got from his home in that -- that are part
13 of Exhibit 109?

14 A. Yes, it is.

15 Q. They have exhibit stickers on the back. Would you review
16 them, please, and identify which of those photos you're
17 placing in front of him at this point?

18 A. At this point it was 109A, a photograph that I placed in
19 front of him.

20 MR. CURRAN: We request permission to publish.

21 THE COURT: You may.

22 BY MR. CURRAN:

23 Q. This is the first photo that you put in front of him?

24 A. Yes, sir.

25 MR. CURRAN: And if we could call back up the video

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1 and just look at the times. All right. And that was -- we
2 had stopped at 14:27:43 on the time stamp on the video, Your
3 Honor, we're going to begin replaying it.

4 THE COURT: Okay.

5 (Video was played.)

6 BY MR. CURRAN:

7 Q. And we've stopped the video again at 14:28:45 at this
8 point. Agent Stansbury, it appears that Agent Januchowski has
9 just put two additional photos in front of Mr. Roof. Is that
10 accurate?

11 A. Yes, sir.

12 Q. And are those also from the photos that you had taken from
13 his home and that are part of Exhibit 109?

14 A. Yes, sir.

15 Q. Did you review those photos and identify for the Court
16 which of the exhibits you placed in front of him?

17 A. 109B and then 109C, a closer up of the jacket, then
18 another one of him.

19 MR. CURRAN: Your Honor, we request permission to
20 publish those to the jury.

21 THE COURT: You may.

22 MR. CURRAN: 109B first.

23 BY MR. CURRAN:

24 Q. And you were asking about some patches?

25 A. Yes, sir.

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1 Q. Are those the patches that are reflected in this exhibit?

2 A. Yes, sir. The black patches on the jacket.

3 Q. That's what you're asking him about?

4 A. Yes, sir.

5 Q. 109C, please. And this is the other --

6 A. Yes, sir, that's the other picture.

7 Q. And in this photo he has the same jacket on with the same
8 patches, correct?

9 A. Yes, sir.

10 MR. CURRAN: Your Honor, I'll begin republishing
11 Government's Exhibit 5.

12 (Video was played.)

13 BY MR. CURRAN:

14 Q. Stop at 14:29:54 on the video, it appears that Agent
15 Januchowski is putting a fourth photo in front of Mr. Roof?

16 A. Yes, sir.

17 Q. And does he -- shortly after this does he place a fifth
18 photo in front of Mr. Roof?

19 A. Yes, sir, he does.

20 Q. And are those also from the pictures that are part of
21 Exhibit 109?

22 A. Yes, they are.

23 Q. If you could identify for the Court which pictures those
24 are.

25 A. 109D and then 109E.

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1 MR. CURRAN: We'd ask you to publish those to the
2 jury.

3 THE COURT: You may.

4 BY MR. CURRAN:

5 Q. 109D. And you have not asked him about this photo at this
6 point in the video, correct?

7 A. Not yet, correct.

8 Q. And 109E.

9 MR. CURRAN: Then, Your Honor, we'll begin
10 republishing.

11 THE COURT: Continue.

12 (Video was played.)

13 BY MR. CURRAN:

14 Q. And stopped at 14:31:09. Mr. Roof appears to have just
15 been discussing something he calls the 14 words. What is
16 that?

17 A. It's a white nationalist slogan created by a guy named
18 David Lane several years back, and then the 88.

19 Q. He also said 88 stands for Heil Hitler, because that's HH.
20 Can you explain that to us?

21 A. Right. H is the eighth letter in the alphabet, and so
22 groups and gangs and other things will actually use the
23 alphabet to come up with terms. HA originally started with
24 the Hell's Angels. 81HA is -- eight is the eighth letter,
25 then one, A is the first letter, and so it's just a copy of

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1 that, a lot of gangs use now for hate groups.

2 MR. CURRAN: Your Honor, we'll begin republishing.

3 THE COURT: Continue.

4 (Video was played.)

5 MR. CURRAN: Again, Your Honor we're stopping at
6 14:32:31. And I'm handing to the witness Government's
7 Exhibit 110, which is a DVD that he previously testified to.
8 And for the record, Your Honor, what the exhibit is, is just
9 the DVD cover, there is no DVD inside.

10 BY MR. CURRAN:

11 Q. In the video Agent Januchowski, I believe, has just handed
12 something to Mr. Roof, correct?

13 A. Yes, sir.

14 Q. And what is it?

15 A. He handed him this DVD box of a movie, Made in Britain,
16 with Tim Roth.

17 Q. And is that the DVD that came from his father's house?

18 A. Yes, it is.

19 MR. CURRAN: Your Honor, if we could publish the
20 front of that for the jury. And then we'll continue
21 publishing Government's Exhibit 5.

22 (Video played.)

23 MR. CURRAN: Your Honor, we're stopping at 14:33:12.

24 BY MR. CURRAN:

25 Q. Agent Januchowski is referencing a movie called American

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1 History X. Are you familiar with that movie?

2 A. Yes, I am.

3 Q. Briefly describe what that movie's about to the jury.

4 A. It's a movie with Edward Norton where he plays a skinhead
5 in Los Angeles, and the issues of racism, and ultimately he
6 commits crime, goes to prison, befriends an inmate who is
7 black, that helps him out in prison. He realizes everybody is
8 all the same on inside, everybody has their own struggles. He
9 changes his ways, gets out of the prison, and his brother is
10 now a skinhead and he's trying to reform him and change him
11 and do the right thing.

12 MR. CURRAN: Your Honor, we'd begin republishing
13 Government's Exhibit 5 at this point.

14 (Video was played.)

15 MR. CURRAN: It continues like this for several
16 minutes. I know you indicated you wanted to take a break.

17 THE COURT: Ladies and gentlemen, let's take our
18 lunch break. We'll resume at 2:00 o'clock.

19 (Jury excused.)

20 MR. CURRAN: For the record, we stopped one minute
21 five seconds -- I've been using the actual time, so 2:01:40.

22 THE COURT: Very good. Mr. Bruck, do you want to
23 address a matter?

24 MR. BRUCK: Yes. I haven't had a chance to discuss
25 this with Mr. Curran; perhaps we could confer for just a

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1 moment.

2 (Discussion held off the record.)

3 MR. BRUCK: We'll need to approach, I think.

4 (Following discussion held at side bar.)

5 MR. BRUCK: My request is that Mr. Curran and I be
6 able to confer with the witness during the break as to one
7 matter. In view of the publication of Ben Roof's address, and
8 I'm not raising that as not objecting to it or anything, it's
9 a fact and it's out there. I know he is very very fearful for
10 his safety, and has been for a year and a half. I'd like to
11 elicit from the witness, which I hadn't planned on doing, that
12 the family, all of the members of the Roof family that he met
13 that morning, grandfather, the father and the uncle were all
14 upset and surprised and shocked by this. In other words, just
15 to distance themselves from this crime so there's no thought
16 that the family knew this was happening or proof of it or
17 didn't care or any of that. I'm not going to -- it's like two
18 to three questions, but I don't want to get zinged. I know
19 people might say, well, Ben Roof wasn't as shocked and
20 horrified as the father and the uncle, and I can't let that
21 happen. So I just want Mr. Curran and I to be able to talk to
22 him, find out what his response will be, and then I would go
23 into it very very briefly.

24 MR. CURRAN: I don't think it's appropriate to talk
25 to the witness while he's on the stand.

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1 THE COURT: No, yeah, I think you can ask him the
2 question, if you wish, like every other witness, you can ask
3 him that. I mean, there's no charge against the father,
4 right? I mean, there's not.

5 MR. BRUCK: I'm not worried about the charge.

6 THE COURT: The statement was he said that his father
7 wouldn't have approved. He made the statement.

8 MR. BRUCK: I just don't want the witness to say,
9 well, Ben Roof didn't seem as upset.

10 THE COURT: I didn't hear him say anything like that.

11 MR. CURRAN: And I think he does say that he didn't
12 tell anybody because they wouldn't approve, and I think as we
13 go through the video, as Your Honor probably recalls, there is
14 a follow-up, I believe --

15 THE COURT: You asked him a specific question about
16 the father and he says no, I wouldn't talk to my father about
17 that. I remember this from the -- I was curious about this
18 issue myself, and what -- trying to anticipate what would be
19 coming. And so I just -- Mr. Bruck, I think I -- I don't
20 think it's a bad question, inappropriate on cross, but I'm not
21 going to start talking to witnesses.

22 MR. BRUCK: I'm not asking the Court to.

23 THE COURT: No, we just don't have contact with --
24 when they're on the stand, they're on the stand, the trial's
25 on.

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1 MR. BRUCK: The other matter I just wanted to apprise
2 the Court of, having been somewhat reprimanded for filings the
3 next morning or night before on an issue, we do intend to file
4 a request for the remedial measures respecting some things
5 that happened yesterday morning. It is not an attempt to
6 relitigate or do anything about the existing record, it's a
7 request respecting matters that are not yet ripe, but are
8 coming later on, and I just -- no need to go into it, I just
9 wanted the Court to know --

10 THE COURT: If you want to make a motion, file a
11 motion. Somebody on your team filed this notice of some kind
12 of thing with the jury, you know, about the jury pool or
13 something, and I struck it. I said you've got a motion, make
14 a motion. I mean, there's a way we make motions, right? And
15 filing notices about facts of a purported facts are just --
16 that's not the way we do things. But if you want to make a
17 motion, file your motion, we'll respond to it.

18 MR. BRUCK: I just wanted you to know it was coming.

19 THE COURT: As things go earlier a little better to
20 give the Court some chance to anticipate. The 2:00 a.m.
21 filings are tiresome.

22 MR. BRUCK: This required some thought.

23 MR. RICHARDSON: If I can add one thing with respect
24 to Mr. Bruck's request to get into Ben and Joe Roof in
25 particular and their surprise or views, if he does that, I

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1 think it's fair that that opens the door to the discussion
2 that defendant had with Joe Roof about being a Holocaust
3 denier.

4 THE COURT: Hold, hold, hold.

5 MR. RICHARDSON: About racism, the discussion that
6 Ben Roof, in asking the defendant to engage in racist violent
7 routes against African-Americans, I think if you're going to
8 get into that issue, it opens the door.

9 THE COURT: Let's just ask this for a second,
10 Mr. Bruck. What is the -- always a touchstone to every piece
11 of evidence is what is relevant. What is relevant. And why
12 is the -- tell me why, and I'm not asking this rhetorically,
13 I'm asking it sincerely, why is it relevant to our case, 401
14 question, why is it relevant that -- whether the father had an
15 attitude or not about any issue? And maybe it is, I don't
16 know.

17 MR. BRUCK: Well, we think --

18 THE COURT: Might be in mitigation, I get it, it
19 could be mitigation filled with hate, life of hate. Where is
20 it at this stage?

21 MR. BRUCK: The immediate concern is -- maybe this is
22 the end of the issue under 401, humanitarian -- Ben Roof has
23 to live at XXXXXXXXXXXXXXXXXXXX in Columbia after this is over.
24 And I would like there to be some public acknowledgment of the
25 fact that he and the other members of the family did not see

MICHAEL STANSBURY - DIRECT EXAMINATION

1 this coming, were shocked by it and were upset.

2 THE COURT: You know, there may be -- I understand
3 your own problem here about that, you may not be representing
4 him. In a sentencing phase, which I want you to know I'm
5 going to give it another run at trying to persuade him not do
6 that, but I'm going to have to hold another Faretta hearing in
7 which I'm going to try to persuade him. But let's assume for
8 a minute the status quo remains, which I frankly think it
9 will, and you do too, that's what we both think is going to
10 happen. I just don't think we're in the business of sort of
11 clearing people and announcing things. I think the family
12 could make a statement later, after this is over, how much
13 they regret it and that they are not parties to this and all
14 that.

15 MR. BRUCK: I have --

16 THE COURT: I just don't -- I just think
17 Mr. Richardson's response just raises the slippery slope about
18 why we don't put irrelevant evidence in.

19 MR. BRUCK: Okay.

20 THE COURT: So I respect your desire to do it, but I
21 think it's not what we should do. Okay? Very good.

22 (Side bar discussion concluded.)

23 THE COURT: We will resume at 2:00 o'clock. Thank
24 you.

25 (A recess was held at this time.)

MICHAEL STANSBURY - DIRECT EXAMINATION

1 THE COURT: Okay. Bring in the jury.

2 (Jury present.)

3 THE COURT: Mr. Curran, continue direct examination
4 by the Government.

5 MR. CURRAN: Yes, Your Honor, we're going to resume
6 with publishing Government's Exhibit 5, and I believe we left
7 off after lunch at 14:43:33 on the time stamp.

8 THE COURT: Very good.

9 (Video played.)

10 MR. CURRAN: 14:56:37.

11 BY MR. CURRAN:

12 Q. Agent, you just asked Mr. Roof whether he was on any
13 medication or any drugs when -- at that time or when he went
14 to the church that night.

15 A. Yes, sir.

16 Q. Why did you ask him that?

17 A. I wanted to verify or make sure that whether he was or
18 not, because it wouldn't be the excuse, the reason I was on
19 medication or on drugs when I did it, that he was of clear
20 mind when he actually committed this act.

21 Q. And when at this point you've been speaking with him for
22 just under an hour and 20 minutes, had he given you any
23 indications that he was on medications or drugs?

24 A. No, he had not.

25 MR. CURRAN: We'll resume publishing, Your Honor.

MICHAEL STANSBURY - DIRECT EXAMINATION

1 (Video played.)

2 BY MR. CURRAN:

3 Q. Agent, we stopped the video at 15:07:04. You appear to be
4 showing defendant Roof something. What are you showing him?

5 A. I am a showing him a copy of the note that was in the
6 birthday card. First I'm showing it to him from the picture I
7 took on my cell phone, but then Agent Januchowski actually
8 passes me the actual card with the note and I show it to him.

9 Q. This is the note you already presented and has already
10 been admitted as Government's 108, correct?

11 A. Yes, sir.

12 MR. CURRAN: Your Honor, I would ask to publish that
13 at this point.

14 Q. So what do you see here in this first page?

15 A. That's the birthday card, the front and back of the
16 birthday card.

17 Q. What do you see here?

18 A. That's the inside of the birthday card and what he wrote
19 on the card himself.

20 Q. And here?

21 A. This is the note that was inside the birthday card that I
22 was reading or showing Mr. Roof. Dylann Roof.

23 Q. This says, "IOU good for up to \$400 towards a pistol and
24 CWP permit." That's what you're referring to?

25 A. Yes.

MICHAEL STANSBURY - DIRECT EXAMINATION

1 MR. CURRAN: We'll return publishing from this
2 Exhibit 5, Your Honor.

3 THE COURT: Very good.

4 (Video played.)

5 MR. CURRAN: We stopped at 15:20:48.

6 BY MR. CURRAN:

7 Q. Agent Stansbury, you've gotten up and appear to be leaving
8 the room. Why did you leave the room?

9 A. I was going in the next room. Obviously it's being
10 recorded, and there's a monitor in the next room where I
11 believe the other investigators from the Shelby police
12 department were watching the video, other agents from the FBI
13 who had been there, and I wanted to go in there and ask them
14 is there anything I missed or any questions I need to ask, to
15 get another opinion on the interview of something that I might
16 have not asked correctly or some answer I needed to get from
17 him.

18 MR. CURRAN: Resume publishing, Your Honor.

19 (Video was played.)

20 MR. CURRAN: We stopped at 15:24:14.

21 BY MR. CURRAN:

22 Q. You appear to be leaving the room again, Agent Stansbury,
23 why are you leaving the room?

24 A. Somebody knocked on the door, and when I stepped outside I
25 met with somebody from the police department, and special

MICHAEL STANSBURY - DIRECT EXAMINATION

1 agent in charge from the Charlotte field office was there.

2 (Video was played.)

3 BY MR. CURRAN:

4 Q. You appear no be telling him that you're about to take
5 pictures of him. Why do you need to take pictures of him?

6 A. Because that was the state of condition he was in at the
7 time of arrest, so we would have how he looked after the
8 arrest, I have documented. I didn't know if they would take
9 those pictures or they were just going to go to the Cleveland
10 County Jail at that point, or if he was going to be flown back
11 to South Carolina, I didn't know. And I wanted to at least
12 get photographs of how he looked at the interview or at that
13 time after he had been arrested, because no one else had taken
14 pictures of him.

15 Q. Had he also indicated those were the clothes he was
16 wearing the night before?

17 A. Yes, he did.

18 Q. Is that part of your reasoning?

19 A. Yes, sir, it was.

20 Q. Is that unusual for you to take pictures?

21 A. No, that's the common practice, because there's a picture
22 of him walking into the church wearing the clothes, other than
23 having a gray sweat top on, so I wanted a picture of him on
24 right then that he hadn't changed clothes.

25 MR. CURRAN: And for the record, we stopped at one --

MICHAEL STANSBURY - DIRECT EXAMINATION

1 that's the wrong number. Should have been about 15:33:44. Go
2 ahead and resume publishing.

3 (Video was played.)

4 BY MR. CURRAN:

5 Q. Agent Stansbury, you and Agent Januchowski appear to have
6 left the room it's 15:39:13 at this point.

7 A. Yes, sir.

8 Q. And is that the conclusion of your interview --

9 A. Yes, sir.

10 Q. -- with Mr. Roof?

11 A. Yes, sir.

12 Q. All right. The video continues for a few more seconds.
13 We'll play it to the end. But that -- well, let's continue.

14 (Video was played.)

15 BY MR. CURRAN:

16 Q. So that's the conclusion of the video. At the end it
17 appears you turn him back over to Shelby police department.
18 Correct?

19 A. Yes, sir.

20 Q. Was that Detective Styers, the individual you had met in
21 the room when you first arrived?

22 A. Yes, sir.

23 Q. And were you involved at all in taking him to court?

24 A. No, sir. They took him to court right from that moment, I
25 stayed at the police department while the videos were -- video

MICHAEL STANSBURY - DIRECT EXAMINATION

1 was downloaded onto DVDs.

2 Q. Were you involved in bringing him back to South Carolina?
3 Personally?

4 A. Personally, no. I did go when the plane came in to pick
5 him up, I had made several copies of the actual interview, and
6 I had copies for the agents that came on the plane to give, so
7 they could bring one back to the state prosecutor and federal
8 prosecutor.

9 Q. But you did not escort him back to South Carolina.

10 A. I did not escort him, no, sir.

11 Q. After that interview have you had any further interaction
12 with defendant Roof?

13 A. No, after that video stopped, the only other thing I told
14 him was you failed. He had said earlier his goal was to
15 agitate race relations, and I said you failed. And I told him
16 the people of Charleston had actually come together and were
17 in the streets actually together, there had been no violence
18 or agitation, and his ultimate goal, he just simply failed.

19 Q. And since that interview have you seen Mr. Roof at any
20 other time?

21 A. No, this is the first time I've seen him in person since
22 that interview.

23 MR. CURRAN: No further questions, Your Honor.

24 THE COURT: Cross-examination.

25 MR. BRUCK: Thank you.

MICHAEL STANSBURY - CROSS-EXAMINATION

1 CROSS-EXAMINATION

2 BY MR. BRUCK:

3 Q. Afternoon, Agent Stansbury.

4 A. Good afternoon, sir.

5 Q. I have a very few questions for you.

6 A. Yes, sir.

7 Q. You had Mr. Roof at the end of that long interview empty
8 out his pockets?

9 A. Yes, sir.

10 Q. And you checked out how much money he had?

11 A. Yes, sir.

12 Q. And he had \$9.08 in cash, did he not?

13 A. Yes, sir, he did.

14 Q. And he also had a receipt for where he had checked what he
15 had in the bank in his account, and that came to \$33.79,
16 correct?

17 A. Yes, sir.

18 Q. And then he withdrew 20 of that?

19 A. Yes, sir.

20 Q. And as far as you were able to determine, that's all the
21 money he had with him?

22 A. That's correct.

23 Q. Did you happen to notice that the back of the bank card,
24 Exhibit 113, was never signed?

25 A. I don't specifically recall that, but -- if you show it to

MICHAEL STANSBURY - CROSS-EXAMINATION

1 me -- it may not have been admitted.

2 MR. BRUCK: Showing the witness Exhibit 113.

3 Q. Would you take a look at it?

4 A. Yeah, it's not signed, or if it was signed, it's worn off,
5 but it's not signed.

6 Q. Appears to be it was never signed?

7 A. Correct, that's what it looks like to me, yes, sir.

8 Q. You mentioned on the tape during the interview, the
9 Trayvon Martin case.

10 A. Yes, sir.

11 Q. And of course that was the very high-profile shooting of a
12 young black man, a teenager, Trayvon Martin, by a white
13 individual named George Zimmerman?

14 A. Yes, sir.

15 Q. And you mentioned that the date of that was 2012.

16 A. That's when I believe it was.

17 Q. Right. But that was the date of the killing. Correct?

18 A. Yes, sir.

19 Q. And then the trial took place in the summer of 2013, would
20 that be correct?

21 A. That -- sounds correct, yes, sir.

22 Q. Okay. And the -- of course the -- at the trial,
23 Mr. Zimmerman was acquitted of murder charges.

24 A. Yes, sir.

25 Q. And that would have been the highest profile part of the

MICHAEL STANSBURY - CROSS-EXAMINATION

1 case, is that fair to say? As far as internet activity and
2 public attention?

3 A. I mean, I -- yeah, I mean, I would say that would be fair.
4 I think the whole thing was -- I believe the whole case was
5 very high profile. Even the President of the United States
6 commented on it. I can't remember if he commented when it
7 happened or indicted, when he was acquitted, but it was
8 extremely high profile, yes, sir.

9 Q. Okay. But in the summer of 2013 there was a great deal of
10 publicity, news coverage and internet activity surrounding the
11 Trayvon Martin case; is that fair to say?

12 A. Yes, sir.

13 Q. Which was just a little less than two years before the
14 events which have brought us here today.

15 A. Yes, sir.

16 Q. And at that time Mr. Roof would have just turned 19.
17 Well, 19.

18 A. Yes, sir.

19 Q. All right. He told you that at the time of the Trayvon
20 Martin case he was -- he did on line research?

21 A. Yes, sir.

22 Q. And he typed in the words in Google search, correct?

23 A. Yes, sir.

24 Q. He typed in the words black-on-white crime and that was
25 it. Those were his words?

MICHAEL STANSBURY - CROSS-EXAMINATION

1 A. Those are his words, yes, sir.

2 Q. I noticed that he did a drawing. Now, he confessed to you
3 to nine murders. Right?

4 A. Yes, sir.

5 Q. Very very serious charges.

6 A. Yes, sir.

7 Q. And he admitted his guilt quite freely.

8 A. Yes, sir.

9 Q. But he would not initial the drawing that he made of the
10 diagram.

11 A. Correct.

12 Q. And then you asked him to consent to the search of his
13 car.

14 A. Yes, sir.

15 Q. And he said, I can't.

16 A. Yes, sir.

17 Q. And that's as much as we know, what's revealed on the
18 tape?

19 A. Are you asking me to form an opinion why he didn't sign?

20 Q. No, no, I'm just saying that's what the tape shows.

21 A. That's correct, yes, sir.

22 Q. He told you that all of his ideas came from the internet.

23 A. Yes, sir.

24 Q. And that at some point he had done enough internet
25 research that he didn't even have to do any more, he knew

MICHAEL STANSBURY - CROSS-EXAMINATION

1 everything he needed to know from the internet.

2 A. About race.

3 Q. About race.

4 A. Yes, about -- I mean -- Yes.

5 Q. All right. Are you -- as part of your work or for any
6 other reason, do you have to be or are you familiar with the
7 content of white racist internet websites? I mean, it may not
8 be part of your job.

9 A. I don't go to white racist internet websites and I don't
10 normally investigate them, and --

11 Q. Okay.

12 A. So -- but I'm familiar with the stuff that's put out there
13 that's on them and those type of people, yes, sir.

14 Q. There are a number of notorious white racist websites
15 operating, are there not?

16 A. I would believe so, yes, sir.

17 Q. And the FBI tracks that. As far as you know.

18 A. I hope that somebody in the FBI tracks it.

19 Q. Yes indeed. But that's not your job.

20 A. That's correct.

21 Q. That's not your area of expertise.

22 A. Correct. Yes, sir.

23 Q. You were present when the photographs of his clothing were
24 taken, and his clothing was examined at the end of that --
25 that was part of --

MICHAEL STANSBURY - CROSS-EXAMINATION

1 A. That was related to the pictures.

2 Q. And I think you read out that he was wearing a pair of
3 Dickies, which is heavy work pants?

4 A. Yes, sir.

5 Q. And underneath that was a pair of sweat pants.

6 A. Yes, sir.

7 Q. And this was June 18th.

8 A. Yes, sir.

9 Q. Summertime.

10 A. Yes.

11 MR. BRUCK: I think that's all; just bear with me
12 just for a moment. Thank you very much, Agent Stansbury,
13 that's all I have.

14 THE COURT: You may step down, thank you, sir.

15 It's 3:25. Why don't we take our afternoon break at this
16 point. Take about a ten-minute break.

17 (Jury excused.)

18 THE COURT: Ladies and gentlemen, when I excuse the
19 jury, I want y'all to remain silent, because court is still in
20 session until they leave. And then you're free to talk.
21 We'll be in recess for about ten minutes.

22 (A recess was held at this time.)

23 THE COURT: Bring in the jury.

24 (Jury present.)

25 THE COURT: Call your next witness.

BRITTANY BURKE - DIRECT EXAMINATION

1 MR. WILLIAMS: Government calls Brittany Burke.

2 THE COURT: I want to remind you you're still under
3 oath.

4 A. Yes, sir.

5 BRITTANY BURKE, a witness called by the Government, having
6 been previously sworn, testified further as follows:

7 DIRECT EXAMINATION

8 BY MR. WILLIAMS:

9 Q. Good afternoon. When you finished your testimony
10 yesterday, there were a couple questions about the defendant's
11 vehicle. Were you involved in dealing with the defendant's
12 vehicle?

13 A. Yes, I was.

14 Q. Tell the jury where that vehicle first was stopped and how
15 it came into your possession.

16 A. The vehicle was stopped in North Carolina. I was then
17 contacted, or SLED was contacted and it was decided that an
18 agent from our crime scene unit would respond and escort the
19 vehicle back to SLED headquarters for processing. Agent Todd
20 Shank responded to North Carolina along with some other people
21 from SLED, and they put the vehicle on the back of a tow
22 truck, it was covered with a tarp so that nothing would damage
23 the vehicle. It was secured with evidence tape so you could
24 tell that none of the doors were opened from the time that
25 they secured the vehicle and transported it to SLED and locked

BRITTANY BURKE - DIRECT EXAMINATION

1 in a vehicle bay overnight until I could get there the next
2 morning and process the vehicle.

3 Q. Were any search warrants obtained for the vehicle?

4 A. There were. There was a search warrant obtained from
5 North Carolina, so that the vehicle was at that point in time
6 when the vehicle was in North Carolina there was a search
7 warrant obtained through the State of South Carolina as well,
8 in order for us to search the vehicle.

9 Q. I show you Government proposed 118 and 119. Can you look
10 at those? Do you recognize them?

11 A. Yes, I do.

12 Q. Do those show the vehicle?

13 A. Yes, they do.

14 MR. WILLIAMS: I show them to defense counsel.

15 MS. PAAVOLA: No objection.

16 THE COURT: Government 118 and 119 are admitted.

17 (Government Exhibits 118 and 119 received.)

18 BY MR. WILLIAMS:

19 Q. I'm going to put up 118 first. Miss Burke, can you
20 explain to the jury what's depicted in Government's
21 Exhibit 118?

22 A. What is depicted in this picture is the vehicle with the
23 tarp that I explained that was over it to protect the vehicle
24 while it was transported. The blue tarp is placed over the
25 vehicle, and the vehicle was on the back of the wrecker at

BRITTANY BURKE - DIRECT EXAMINATION

1 this point in time.

2 Q. Is that how it was transported?

3 A. That is correct.

4 Q. I'm going to put up Government's 119. Can you explain
5 that as well?

6 A. This is the vehicle after it had been taken off of the tow
7 truck and was sitting in the bay and the tarp had been removed
8 prior to our processing.

9 Q. And how is the vehicle secured?

10 A. If you look at the top of the front passenger side and the
11 rear passenger side, you can see a piece of tape that is
12 across there. There were multiple pieces of tape that were
13 placed across the opening of every door, and it was evidence
14 tape and was marked with initials and the dates of the agent
15 who secured the vehicle, so that I could tell that the vehicle
16 had not been opened prior to me getting there the next day.

17 Q. Looks like there was one on the hood as well?

18 A. Yes, there was -- they were on the hood, the trunk, and
19 all of the doors, anywhere that there could be an opening of
20 the vehicle of some sort.

21 Q. Where did you first view the vehicle? Where did you see
22 it for the first time?

23 A. The vehicle was placed in a bomb bay where they keep our
24 bomb truck, that's why we call it that, and it was moved from
25 there into this bay for processing. But the first time I saw

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1 the vehicle without the -- and that was with the tarp on it.
2 The first time I saw it without the tarp on was right here
3 where it's pictured here.

4 Q. Do you know about what day it was when you went to see the
5 vehicle to process it?

6 A. It was June 19th.

7 Q. So the day after the shooting?

8 A. That is correct.

9 Q. Do you know approximately what time?

10 A. I arrived there at 7:00 o'clock; we did not begin moving
11 or processing the vehicle until about 7:20.

12 Q. About how long total did it take you to process the car?

13 A. About an hour and 20 minutes.

14 Q. I want to ask you first of all, you testified yesterday
15 about how you processed the crime scene at the church. Is
16 there a different approach to processing a vehicle?

17 A. The basic approach is the same. We start with taking our
18 notes and our photographs and documenting the vehicle as we
19 see it. Each person might start at a different spot.

20 Personally I like to start in the front driver's side, and we
21 open that door first and photograph there, and then I move to
22 the rear driver, and then around to the passenger, rear
23 passenger and the front, moving in a circle around the car.

24 And then once our overalls are taken, with everything
25 exactly as we saw it, then things start getting removed from

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1 vehicle. And as we remove a layer, we take photographs of
2 what is underneath that. And then as more things come out,
3 photographing until we get to the floor or the seat or
4 whatever the base layer of the vehicle is there.

5 Q. You had shown placards yesterday in the church crime
6 scene. Did you use placards at all for a car?

7 A. No, in this case we did not. It's fairly unusual for us
8 to use placards in a car. Things will be labeled as far as
9 they came from the front driver side seat. Or the rear
10 passenger floorboard or underneath a seat or in a certain
11 console. A car provides good ways to describe where things
12 came from, without us having to use the little placards.

13 Q. You testified yesterday that you were a supervising other
14 people when the church was processed. Did you do the same
15 thing with the car?

16 A. Yes, like I said yesterday, we work in teams or a group,
17 and Agent Tiffany Hezel, who was present at the church, was
18 also present with me for the car, and then a field agent from
19 SLED, Agent Casey Collier, was also present during the
20 processing of this.

21 Q. How late were you at the church the night before?

22 A. I left the church the day before at, I believe, around
23 11:00 a.m. I did not leave the office until much later that
24 afternoon.

25 Q. I want to ask you, you do an external inspection before

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1 you internally inspect the car?

2 A. Yes, we do, we take pictures of the entire outside of the
3 car, and then we look at the outside of the vehicle to see if
4 there is any evidence that is readily present that we need to
5 take off of the vehicle before we start opening doors that
6 might be moved or something like that when the doors are open.

7 Q. Was there anything you noticed on the outside of the car,
8 at least that was of any evidentiary value?

9 A. There was nothing on the outside of the car that we got as
10 evidentiary value. The only thing we took off the outside of
11 the car was the front license plate.

12 Q. I'm going to hand you several documents, Government
13 exhibits, proposed exhibits 120, 21, 22, 23, 24 and 25, 26,
14 27, 28, 29, and 30. Take a look at those.

15 THE COURT: Government 120 to 130?

16 MR. WILLIAMS: Yes, Your Honor.

17 Q. Are those all photos you took of the car while you were
18 processing it?

19 A. Yes.

20 MR. WILLIAMS: I show these to defense counsel.

21 MS. PAAVOLA: No objection.

22 THE COURT: Government Exhibits 120 to 130 admitted
23 without objection.

24 (Government Exhibits 120 through 130 received.)

25 BY MR. WILLIAMS:

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1 Q. In Exhibit 119, which is up, can you see that license
2 plate on the front of the car?

3 A. Yes, I can.

4 Q. I'm going to go to Exhibit 120. Is 120 the same plate?

5 A. Yes, it is.

6 Q. You said that was collected?

7 A. Correct, it was.

8 Q. So you said that was the only item on the exterior of the
9 vehicle that was of any value. Did you then proceed to the
10 inside of the car?

11 A. Yes, after we looked at the outside of the vehicle we then
12 proceeded to the inside of the car and searched the inside of
13 the vehicle as well.

14 Q. You said you started with the driver's side seat, took
15 some overall pictures?

16 A. That is correct, the front driver side seat.

17 Q. Put up Government's 121. Does that show the driver's side
18 front seat?

19 A. Yes, it does.

20 Q. I'm going to go to Government's 122. What area of the car
21 is that?

22 A. This is the center console near the gear shift between the
23 front driver and passenger side area.

24 Q. There was -- there's an item in the lower part of the
25 screen, looks like a card. Do you know what that is?

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1 A. Yes, that is the insert from the packaging of a Glock
2 magazine.

3 Q. Can you explain what that means?

4 A. A magazine is the part that holds the bullets that goes
5 into the gun, and the Glock is the brand name of the magazine
6 that was purchased.

7 Q. Do you have some familiarity with how inserts are a part
8 of the packaging?

9 A. Yeah, it's like that clear packaging that's like a clam
10 shell and puts together and inserts the cardboard in it that
11 has the writing on it that tells you what it is. The clear
12 plastic thing having the writing on it, this was the cardboard
13 piece in there that tells you what unit it is that you're
14 purchasing.

15 Q. I'm going to go to 123. Can you see those? Looks like
16 there's more than one at the bottom of that exhibit.

17 A. Yes, that is correct. There are two that are visible in
18 this picture.

19 Q. And then to the top of that photograph, do you recognize
20 what that electronic device is?

21 A. I believe it is the GPS.

22 Q. Did you see that inside the vehicle?

23 A. Yes, I did.

24 Q. I'm going to go to 124. Does that show the same item?

25 A. Yes, it does.

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1 Q. Do you know what a GPS is?

2 A. Yes, it's -- you put -- a global positioning system is
3 what it stands for. I know it best by putting the address in
4 the car and it tells me how to get there.

5 Q. Have you used one before?

6 A. Yes, I have.

7 Q. I'm going to go to 125. Can you tell the jurors sort of
8 what your impression was on your first inspection of what was
9 in the back seat?

10 A. So in the back seat there was a lot of items. There was a
11 bag, a pillow, a blanket, clothing, and then a bunch of just
12 mess in the floor, as if it looked like the person had been in
13 the car for awhile, or it's the things you would take with you
14 if you were going somewhere for awhile.

15 Q. And let's start with the floor. Looks like there's a
16 plastic bag on the floor?

17 A. Yes, that is correct.

18 Q. And the way it's depicted in 125, is that the way it
19 appeared when you first opened the car?

20 A. Yes, this is the type of picture that we take when we
21 first open the door, so you can see the door frame and the
22 interior of the car to show what it looked like when we first
23 arrived.

24 Q. Go to 126. Does that show that same area?

25 A. Yes, this is still the rear driver's side floorboard.

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1 Q. I'm going to ask you about the far right of that picture,
2 looks like there's some plastic packaging there as well?

3 A. Yes, there was some packaging present in the center to the
4 passenger side floorboard as well.

5 Q. Would you have inspected or looked inside the plastic bag
6 that was on the floor?

7 A. Yes, anything that was in the plastic bag, the bag would
8 have been opened up and it would have been taken out.

9 Q. Would you have photographed the steps in doing that?

10 A. Yes, all those steps would have been photographed as well.

11 Q. I'm going to go to Government's 127. What does that show?

12 A. This shows the items that would have been in the plastic
13 bag. It shows those clear packaging inserts that we were
14 talking about, as well as some of the Glock -- the Glock
15 magazine cardboard that are inside of them. As well as a tray
16 containing ammunition in the box that the tray would have come
17 from as well.

18 Q. Looks like there's a box outside and maybe another inside?

19 A. I'm sorry?

20 Q. Looks like there's a box outside --

21 A. And another box inside the bag as well.

22 Q. I'm going to go to 128. What does that show?

23 A. This shows the same thing, there's a box of ammunition
24 inside the bag, the three containers for magazines, the
25 plastic containers, and then the tray containing ammunition.

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1 Q. Go to 129. You talked earlier about one tray that was --
2 looks like on this photo to the right -- is the second tray
3 now shown open?

4 A. Yes, the second tray is shown open in the bag there, you
5 can see it's been removed from the box and you can see the
6 ammunition in the tray there.

7 Q. Can you also explain how many rounds were missing or were
8 not missing from the two trays generally?

9 A. There were none missing from the tray that came inside the
10 box. And the other one has a round, I believe 39 missing.

11 Q. I want to ask about two other things in that photo. The
12 tray to the right has two red items in it; do you know what
13 those are?

14 A. No, I do not.

15 Q. I want to ask you about the tray inside the bag, a black
16 item, if we can zoom in on it. Do you know what that item
17 was?

18 A. That item is a speed loader. It comes with the gun or the
19 magazines, sometimes, when you buy them. And it just -- you
20 place it over the magazine and it helps you load the
21 cartridges into the magazine easier.

22 Q. Have you ever used one?

23 A. Yes, I have.

24 Q. Does it make a difference in the speed, I guess, with
25 loading a magazine?

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1 A. It helps with the tension when you put shells in it,
2 there's a spring in it and it can be -- have a lot of tension
3 on it, and it keeps that tension on it and makes it easier to
4 load it. And so, therefore, yes, it can make it faster.

5 Q. I'm going to go to finally 130. Do you recognize that as
6 well?

7 A. Yes, I do.

8 Q. And what is that?

9 A. This is another picture of the same area, showing the --
10 you can see in the front where the bottom of the picture, one
11 of the clear plastics with the Glock magazine cardboard inside
12 of it. Towards the top right above that are the three
13 plastics without the cardboard in them. Underneath them is
14 the tray missing -- with missing ammunition. The top of the
15 box, so we can see this is Winchester .45 ammunition, and then
16 one of the Glock cardboard inserts, and below that is the
17 other box of ammunition.

18 Q. I'm going to hand you Government's 131 through 134. You
19 testified yesterday that when you seized that, you put marking
20 on it. Did you do that also with items you seized from the
21 car?

22 A. Yes, all the items seized from the car would be marked as
23 to what they were, and then taped with evidence tape and
24 initialed and sealed.

25 Q. Take a look at 131 through 134; let me know if those are

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1 items you would have seized.

2 A. Yes, these are all items that I would have seized.

3 MR. WILLIAMS: I'll show these to defense counsel.

4 MS. PAAVOLA: No objection.

5 THE COURT: Government Exhibit 131 to 134 admitted
6 without objection.

7 (Government Exhibits 131 through 134 received.)

8 BY MR. WILLIAMS:

9 Q. I'm going to start with Government's 131. How many of the
10 plastic packagings were found inside the car in 131?

11 A. There were five that were found.

12 Q. It looks like in that exhibit there's actually two of the
13 cards that go with them?

14 A. That is correct.

15 Q. I'm going to put up this black item. Is that the speed
16 loader?

17 A. Yes, it is.

18 Q. Was that the total number of plastic packages that were
19 found in the back seat, five plastic packages?

20 A. Yes, there were five that were found in the back seat
21 there.

22 Q. And in this exhibit there were two cards, right?

23 A. Yes. Correct.

24 Q. I'm going to go to 132. 132 looks like there's three of
25 those inserts.

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1 A. Yes, there are.

2 Q. So with the other two, that would have been five
3 packagings and five inserts?

4 A. That is correct.

5 Q. 133, these are the two packages of ammunition?

6 A. That is correct.

7 Q. Those were seized from the back seat as well?

8 A. Yes.

9 Q. There's a lot of sort of residue on this. Do you know
10 what that came from?

11 A. The boxes were processed for latent prints, and that would
12 have come from the processing of the boxes.

13 Q. Is it fair to say several items were inside the vehicle
14 and later sent for fingerprinting or processing?

15 A. Yes, they were.

16 Q. I'm going to open up the first box. That's the one that
17 had the two red items in it?

18 A. That is correct.

19 Q. Take a look at those. Do you recognize what they are now?

20 A. Yes, these are ear plugs.

21 Q. Are those common for firing guns?

22 A. Yes, they are.

23 Q. So that was the box that had some rounds missing from it,
24 correct?

25 A. That is correct.

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1 Q. And the second box looks like it's only missing fewer
2 rounds?

3 A. Yes, it is missing fewer rounds.

4 Q. And all of that ammo is .45 caliber hollow point?

5 A. Yes, it is.

6 Q. Is this ammunition consistent with the ammunition that was
7 found at the church?

8 A. The head stamps on these were consistent with the head
9 stamps on those that we found at the church, yes.

10 Q. I think that's 133 and 134. So those items you would have
11 collected out of the back seat?

12 A. Yes, those would have come from the back driver's side
13 floorboard.

14 Q. What is the next area of the vehicle you would have
15 started looking at?

16 A. After we did the back driver's side floorboard, we would
17 have gone to the seat on that side.

18 Q. I'm going to hand you Government's Exhibits 135 through
19 139. Take a look at those. Are those photos from that back
20 seat?

21 A. Yes, they are.

22 MR. WILLIAMS: I show these to defense counsel.

23 MS. PAAVOLA: No objection.

24 THE COURT: Government Exhibits 135 to 139 admitted
25 without objection.

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1 (Government Exhibits 135 through 139 received.)

2 BY MR. WILLIAMS:

3 Q. Let's start with 135. Can you explain to the jury what
4 was located on the back seat in this photograph?

5 A. In this photograph is looking from the driver's side, and
6 you can see a black toiletry bag located towards the front of
7 the picture there, and then a pillow and blanket towards the
8 rear.

9 Q. What do you mean by that?

10 A. Like the bag you pack when you're taking a trip that has
11 razors, tooth brush, tooth paste, anything like that in it.

12 Q. I'm going to go to 136 next. Does that show the other
13 side of the vehicle?

14 A. Yes, it does. This is a picture that was taken later on
15 after some of the items had been moved, but this was taken
16 from the rear passenger side.

17 Q. I'm going to go to 137. What does that show?

18 A. This shows the toiletry bag. This is what it looked like
19 when we opened it. You can see some shampoo and some tooth
20 paste visible in the toiletry bag.

21 Q. Go to 138. That's just -- you mentioned earlier that you
22 had to remove items, you take photos of them?

23 A. Correct, this is just showing as we're removing items so
24 you can see what's underneath it while it's in place.

25 Q. Go to 139 next. What does that show?

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1 A. This shows two USB drives or thumb drives that were found
2 inside the toiletry bag.

3 Q. Do you know what a thumb or USB drive is?

4 A. It is a portable storage device you use for a computer.
5 So you plug it into your computer and you're able to drag and
6 drop any type of files, videos, pictures, music, anything like
7 that from your computer onto it for storage.

8 Q. Is that something you collect for evidentiary value?

9 A. Yes, it is.

10 Q. The electronic devices in this case, were they processed
11 by a different agency?

12 A. They were processed by the FBI.

13 Q. I'm going to show you Government's Exhibit 140. Is that
14 what -- Do you recognize it?

15 A. Yes, I do.

16 Q. What is it?

17 A. It's the USB drive.

18 MS. PAAVOLA: No objection.

19 THE COURT: Very good. Government 140 admitted
20 without objection.

21 (Government Exhibit 140 received.)

22 BY MR. WILLIAMS:

23 Q. I'll just put on -- hold them up. So there was two USB
24 drives that were collected?

25 A. Yes, there were.

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1 Q. And you said those were submitted to the FBI for
2 processing?

3 A. That is correct.

4 Q. Once you had looked on that side of the seat, did you then
5 begin processing across that bench seat?

6 A. Yes, after the rear driver's side, we then go to the rear
7 passenger side to be processed.

8 Q. You went ahead and photographed that as well?

9 A. That is correct.

10 Q. I hand you Exhibits 141, 142, 43, 45, 46, 47 and 50. Can
11 you look at those?

12 A. Thank you.

13 Q. Are those photos you would have taken while processing the
14 vehicle?

15 A. Yes, they are.

16 Q. In the back seat?

17 A. Correct.

18 MR. WILLIAMS: I show these to defense counsel.

19 MS. PAAVOLA: No objection.

20 THE COURT: Government 141, 142, 143, 145, 146, 147
21 and 150 admitted without objection.

22 (Government Exhibits 141, 142, 143, 145, 146, 147 and 150
23 received.)

24 BY MR. WILLIAMS:

25 Q. Let's start with 141. What does that photo show?

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1 A. This photo shows the rear seat of the vehicle looking from
2 the passenger side -- the driver's side towards the passenger
3 side. In the very bottom of the picture you can see the edge
4 of that toiletry bag that was sitting in the rear driver's
5 side. On the top you can see some clothing, and you can see a
6 handgun lying underneath the clothing.

7 Q. And I believe there were -- there was a pillow and other
8 items on top of that previously. Had those been removed?

9 A. Correct, there was a pillow and blanket on top of that.
10 Those had been removed, and this was part of us taking our
11 pictures as we removed each layer of items.

12 Q. I'm going to go to 142 next. That's a close-up of that
13 same area?

14 A. Yes, correct, it is.

15 Q. The shirt that is depicted there, I'm going to go to 143.
16 Is that the same shirt that was on the seat a moment ago?

17 A. Yes, it is.

18 Q. I'm going to show you Government's proposed 144. Do you
19 recognize that item?

20 A. Yes, I do.

21 Q. What is it?

22 A. It's the shirt that is in the picture.

23 MR. WILLIAMS: I show it to defense counsel.

24 MS. PAAVOLA: No objection.

25 THE COURT: Government Exhibit 144 is admitted

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1 without objection.

2 (Government Exhibit 144 received.)

3 BY MR. WILLIAMS:

4 Q. I hold that up for you. That's Government's 144. Did you
5 recognize that shirt from another place?

6 A. It appeared to be consistent with the shirt that was seen
7 of the suspect leaving the church previously.

8 Q. You had seen that video, at least a still from that video?

9 A. Yes, I had seen a still shot from that video while at the
10 church processing it.

11 Q. I want to go to 145 next. Is that the back seat with the
12 shirt removed?

13 A. Yes, this is a photo of the back seat after the shirt had
14 been removed from the vehicle.

15 Q. I want to go to 146. Is that that same area from the
16 other side of the car?

17 A. Yes, it is.

18 Q. Go to 147. We'd seen the earlier pictures from a side
19 view. Was there something else visible when you looked closer
20 in?

21 A. Yes, underneath the jeans that were located in the seat
22 there, there is a journal that is visible, as well as two
23 handwritten notes that were visible on the back seat.

24 Q. Did you seize those notes?

25 A. Yes, the notes and the journal were collected.

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1 Q. I'm going to hand you both of these, Government's proposed
2 148 and 149, and Government's proposed 2. Can you look at
3 both of those? Are those then the notes and the journal?

4 A. Yes, they are.

5 Q. 148 and 149 are the notes, 2 is the journal?

6 A. That is correct.

7 MS. PAAVOLA: No objection.

8 THE COURT: Government's 148, 149 and 2 admitted
9 without objection.

10 (Government Exhibits 148, 149 and 2 received.)

11 BY MR. WILLIAMS:

12 Q. I'm going to show you Government's 148A and 148 -- I'm
13 sorry -- 148A and 149A. Do you recognize those as well?

14 A. Yes, they're photographs that were taken of the note or
15 the two notes that were located in the back seat.

16 MS. PAAVOLA: No objection.

17 THE COURT: 148A and 149A, is that correct?

18 MR. WILLIAMS: Yes, Your Honor.

19 THE COURT: Government's 148A and 149A admitted
20 without objection.

21 (Government Exhibits 148A and 149A received.)

22 BY MR. WILLIAMS:

23 Q. So these are photographs of those paper items, is that
24 right?

25 A. That is correct.

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1 Q. I'm going to put up 148A. Can you read that to the jury?

2 A. It says, "Dear Mom, I love you. I'm sorry for what I did,
3 but I had to do it. This note isn't meant to be sentimental
4 and make you cry, I just want you to know that I love you. I
5 know that what I did will have repercussions on my whole
6 family and for this I truly am sorry. At this moment I miss
7 you very much and as childish as it sounds I wish I was in
8 your arms. I love you, Dylann."

9 Q. I'm going to bring up 149A. Can you read that to the jury
10 as well, once it's zoomed in?

11 A. It says, "Dear Dad, I love you and I'm sorry. You were a
12 good dad. I love you."

13 Q. And those were found next to another item, is that right?

14 A. That is correct.

15 Q. Does it appear like those pages had come from that other
16 item; could you tell?

17 A. The size of the pages as well as the lining and all on the
18 pages did appear as if they had come from that other item.

19 Q. I'm going to show you Government Exhibit 2A.

20 THE COURT: 2A?

21 MR. WILLIAMS: Yes, Your Honor.

22 Q. Take a look at that. Is that a copy of something you
23 recognize?

24 A. Yes, this is a copy of the journal that was located in the
25 back seat.

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1 MR. WILLIAMS: I show this to defense counsel.

2 MS. PAAVOLA: No objection.

3 THE COURT: Government 2 -- Exhibit 2A admitted
4 without objection.

5 (Government Exhibit 2A received.)

6 BY MR. WILLIAMS:

7 Q. I want to ask you first about Government's Exhibit 2. I'm
8 going to put this on the ELMO. Is this the journal that you
9 had described finding?

10 A. Yes, it is.

11 Q. I'm going to ask you about the condition that it's in. Do
12 you recognize these markers that are on it?

13 A. Yes, the item was sent for processing for latent prints,
14 and these sticker rulers are the rulers that are used by our
15 latent print unit. When they develop latent print, they put
16 this marker next to it so that it can be sent so that the
17 print can be photographed.

18 Q. And is there a certain type of, I guess, material used to
19 develop prints that can cause some discoloration to paper?

20 A. Yes, for paper we typically would use ninhydrin to develop
21 prints, and it can cause the paper to become discolored.

22 Q. I'm going to open to the first page. Do you see anywhere
23 on here where that's evidenced?

24 A. Yes, if you can see the purple tint, when ninhydrin
25 reacts, has a reaction, then it does turn a purple tint, and

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1 that can be seen some places here on the paper up towards the
2 top, and then kind of in the middle of the page there as well.

3 Q. And likewise, I believe for the writing on these pages,
4 processing print stickers were placed over it?

5 A. Yes, the stickers were placed over the writing because
6 they were -- had to be placed next to the print in order for
7 the prints to be documented with photographs and, therefore,
8 preserved.

9 Q. The two-way copy does not have that interference, is that
10 right?

11 A. That is correct.

12 MR. WILLIAMS: Your Honor, I'm going to ask that Miss
13 Burke read through the journal to publish it to the jury.

14 THE COURT: The entire journal?

15 MR. WILLIAMS: The two-way copy.

16 THE COURT: Very good.

17 BY MR. WILLIAMS:

18 Q. Miss Burke, I want to ask you first of all, does a journal
19 have writing on both sides of the pages?

20 A. The journal has writing, and sometimes it's one side,
21 sometimes on both sides, and there's not always -- sometimes
22 there's pages in between the entries. They're not all
23 necessarily right in order in the journal.

24 Q. But the copies are sequential, there may be some pages in
25 between in Exhibit 2?

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1 A. That's correct.

2 Q. What I'm going to do is I'm going to start with the first
3 page of 2A. So the cover we had just seen on Exhibit 2 was a
4 symbol?

5 A. That is correct.

6 Q. I'm going to go to the next page. And looks like on the
7 left page, can you read what's on the left page, then read to
8 the jury the right page?

9 A. There is a e-mail address there on the left page that says
10 last -- I can not make out the next letter, but then the --
11 yeah, thank you. Last -- I still can't read that.

12 Q. There's something dot com on the --

13 A. Yes, something dot com.

14 Q. Can you read the right page to the jury?

15 A. Yes, I can. The right page says, "My name is Dylann Storm
16 Roof. I was born on the third of April, 1994 in Columbia,
17 South Carolina. I was not raised in a racist home or
18 environment. Living in the South, almost every white person
19 has a small amount of racial awareness, simply because of the
20 number of negroes in this part of the country. But it is a
21 superficial awareness."

22 Q. I'm going to also ask if you come to any racial slurs,
23 that you skip over those.

24 A. I'll be happy to.

25 Q. Go ahead.

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1 A. "But it is a superficial awareness. Growing up in school,
2 the white and black kids would make racial jokes towards each
3 other, but that's all it was, jokes. Me and my white friends
4 would sometimes watch American History X, or some videos on
5 line of black nationalists talking about killing white people,
6 but there was no real understanding behind it.

7 "The event that truly awakened me was the Trayvon Martin
8 case. I kept hearing and seeing his name, and eventually I
9 decided to look --"

10 Q. That goes to the next page?

11 A. "-- him up. I read the Wikipedia article and right away I
12 was unable to understand what the big deal was. It was
13 obvious that Zimmerman was in the right. But more importantly
14 this prompted me to type the words 'black on white crime' into
15 Google, and I was never the same since. The first website I
16 came to was the Council of Conservative Citizens. There were
17 pages upon pages of these brutal, disgusting black on white
18 murders. I was in disbelief. At this moment I realized that
19 something was very wrong. How could the news be blowing up
20 this Trayvon Martin case while hundreds of these black on
21 white murders got no airtime?

22 "From this point I researched deeper and found out what
23 was happening in Europe. I saw that the same things were
24 happening --"

25 Q. Go to the next page.

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1 A. "-- in England and France. Again I can't believe it. As
2 an American, you are taught to accept living in the melting
3 pot, and that blacks and other minorities have just as much
4 right to be here, since we are all immigrants. But Europe is
5 the homeland of white people, and in many ways the situation
6 is even worse there. From here I found out about the Jewish
7 problem and other issues facing the white race and today I can
8 say with confidence that I am completely racially aware."

9 Q. Go to the fourth page, if you could read the header.

10 A. The header says "Blacks."

11 Q. Again, if you could skip over any racial slurs that may be
12 in there.

13 A. I will be happy to.

14 Q. Go ahead.

15 A. "I think it is fitting to start off with the group I have
16 the most real life experience with, and the group that is the
17 biggest program for Americans."

18 Q. Go to the next section.

19 A. "... are stupid and violent. At the same time they are
20 very slick and conniving.

21 "Black people view everything through a racial lens. They
22 are always thinking about the fact that they are black. This
23 is part of the reason they get offended so easily, and think
24 that some things are racist even when a white person wouldn't
25 even be thinking about race. And this is part of our problem.

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1 Black people are racially aware almost from birth, but white
2 people on average don't think about race in their day to day
3 --"

4 Q. Go to the next page.

5 A. "-- lives. But we need to. That is what racial awareness
6 is. It is viewing everything that happens through a racial
7 lens.

8 "Now say you were to witness a dog being beat by a man.
9 You are almost surely going to feel very sorry for that dog.
10 But say you are witness to a man being bit by a dog. You will
11 most likely not feel the same pity you felt for the dog for
12 the man. Why? Because dogs are lower than men.

13 "This same analogy applies even today to blacks. Blacks
14 are viewed as lower beings by white people on a subconscious
15 level. And this is why we continue to feel sorry for them for
16 no reason. Blacks are held to a lower standard in general.
17 This is why they are able to get away with things like
18 obnoxious behavior --"

19 Q. Go ahead.

20 A. "-- in public, because it is expected.

21 "I wish that ... were treated terribly throughout history
22 by whites, that every white person had an ancestor who owned
23 slaves, that segregation was a evil and oppressive
24 institution, and so on. Because if it was all true, it would
25 make it so much easier for me to accept our current situation.

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1 But it isn't true. None of it is. We are told to accept what
2 is happening to us because of our ancestors' wrongdoing. But
3 it is all based on historical lies, exaggerations, and myths.
4 I have tried and tried to think of reasons we deserve this,
5 and I have only come back more irritated because there are no
6 reasons.

7 "Only a fourth to a third of --"

8 Q. I'm going to pause at this next page. This is where it
9 picks up with sort of a separate story or statement on the
10 left, and then a continuation of the narrative on the right.
11 If you could continue the narrative on the right first, then
12 go back to the left, that would help.

13 A. Yes, I can. "-- people in the South owned even one slave.
14 Yet every white person in America is treated as if they had an
15 ancestor that was a slave owner. This applies to people in
16 states that slavery never existed in, as well as people whose
17 family immigrated after slavery was already dissolved.

18 "Segregation was not a bad thing. It was a defensive
19 measure. Segregation did not exist to hold back ... It
20 existed to protect us from them. And I mean that in multiple
21 ways. Not only did it protect us from having to interact with
22 them, but it protected us from being brought down to their
23 level. Immigration was -- has done nothing but bring white
24 people down to the level of colored people. The best example
25 of this is obviously --"

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1 Q. I'll have you go to the left side now.

2 A. Okay. "I remember one day I was sitting at a stoplight,
3 and a school bus turned in front of me. Every face on that
4 bus was as black as coal except a young white boy toward the
5 back. He looked as if he was in a living hell, and I believe
6 he was. Why should he have to suffer needlessly? I felt at
7 that moment even more decided in my decision.

8 "The modern school system covers the whole brain
9 development of a human. From six, if not earlier, to 18, or
10 24 if college is taken into account, white people are being
11 indoctrinated with anti-white filth."

12 Q. I think you left off on the right page saying the best
13 example of this is obviously, then it picks up. Can you pick
14 up on the right page of 001642, that page number?

15 A. Yes, on the right side.

16 Q. Yes.

17 A. Okay. "-- the school system. Now white parents are
18 forced to move to the suburbs to send their children to 'good
19 schools.' But what constitute a good school? The fact is
20 that how a good school is considered directly -- how good a
21 school is considered directly corresponds to how white it is.
22 I hate with a passion the whole idea of the suburbs. To me it
23 represents nothing but scared white people running. And
24 that's what they are doing. Running because they are too
25 weak, scared, and brainwashed to fight. Why should white

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1 people have to flee the cities they created for the security
2 of the suburbs? Why are the suburbs secure? Because they are
3 white. The pathetic part is that these white people that
4 leave for the suburbs don't even admit to themselves why they
5 want to move. They tell themselves --"

6 Q. If you could, then just cover the left side of the page.

7 A. "Many white people feel as though they don't have a unique
8 traditional culture. The reason for this is that white
9 culture is world culture. I don't mean that our culture is
10 made up of other races' cultures, I mean our culture has been
11 adopted by everyone in the world.

12 "This makes us feel as though our culture isn't special or
13 unique. Say for example that every businessman in the world
14 wore a kimono, that every skyscraper was in the shape of a
15 pagoda, that every door was a sliding one, and that everyone
16 ate every meal with chopsticks. This would probably make a
17 Japanese man feel as though he had no unique traditional
18 culture. Forks, hinged doors, tennis shoes, pianos, suits,
19 and countless other things we take for granted are all
20 examples of white culture."

21 Q. I think on right side you left off with they tell
22 themselves, then it follows up on the right side of page ten.

23 A. "-- it's better for schools to -- it's better for schools
24 simply to live in a nicer neighborhood. But it is honestly
25 just a way to escape ... and other minorities.

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1 "But what about the white people that are left behind?
2 What about the white children who, because of school zoning
3 laws, are forced to go to a school that is 90 percent black?
4 Do we really believe for one minute that that white kid isn't
5 going to be picked on for being white? Do we really think
6 that he will be able to go one day without being called a
7 'white boy' by some ...? And who is going to fight for him?
8 Who is fighting for these white people forced to live among
9 ... No one. But someone has to."

10 Q. And page 11, the right side?

11 A. "Anyone who thinks that white and black people look as
12 different as we do on the outside, but are somehow magically
13 the same on the inside, is delusional. How could our faces,
14 skin, hair and body structure all be different, but our brains
15 be exactly the same? This is the nonsense we are led to
16 believe.

17 "They have lower IQs, lower impulse control, and higher
18 testosterone levels in general. These three things alone are
19 a recipe for violent behavior. If a scientist publishes a
20 paper on the difference between the races in the U.S., he
21 could expect to lose his job. There are personality traits
22 within families, so why not within races? When you go to a
23 doctor they will usually want a record of diseases within your
24 family, yet we still deny the --"

25 Q. If you could pick up on the right side.

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1 A. "-- differences between the races.

2 "Some white nationalists support the idea of a 'Northwest
3 Front.' I think this idea is stupid. Why should I for
4 example, give up the beauty and history of my state to go to
5 the Northwest? To me the whole idea just parallels the
6 concept of white people running to the suburbs. The whole
7 idea is pathetic and is just another way to run from the
8 problem without facing it.

9 "Race War. I would love for there to be a race war. I
10 won't lie, I think every white nationalist dreams of a race
11 war even if they deny it. But I'm not sure we even need to
12 have one. Ideally we could simply take control of the
13 Government and --"

14 Q. If you could go to the left side of the page and pick up
15 that section.

16 A. I can. "Some people feel as though the South is beyond
17 saving, that we have too many blacks here. This I -- to this
18 I say look at history. The South had a higher ratio of blacks
19 when we were holding them as slaves. Look at South Africa,
20 and how such a small minority held the blacks in apartheid for
21 years.

22 "It is far from being too late. I believe that even if we
23 made up 30 percent of the population of the U.S. We could
24 take it back completely. But by no means should we wait any
25 longer to take drastic action.

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1 "My blood is mostly from the British Isles, but I have
2 been blessed with a significant amount of German blood and a
3 German surname. My blood is representative of America."

4 Q. I think you left off on the left side with the race war
5 section and then started, ideally we could simply take control
6 of the Government, and it picks up. Go ahead.

7 A. "-- enact laws in order to get things under control. I
8 would personally be content with reinstating segregation and
9 punishing certain individuals as need be. Although we would
10 also need to put a forced sterilization and deportation
11 program in place at the same time.

12 "I have read hundreds of slave narratives from my state,
13 and only about one in 20 had even one negative thing to say.
14 One narrative sticks out in my mind, where this old ex-slave
15 recounts how the day his mistress died was --" I'm sorry, hold
16 on, I lost my place. Oh "-- was one of the saddest days of
17 his life. Many others, when asked about whippings, they
18 replied that their masters never whipped his slaves, or that
19 he didn't allow his slaves to be whipped."

20 Q. I'm going to go to the next page. The right side is a new
21 header, so if you want to scan to the left side first.

22 A. Okay. "In a modern history class, it is always emphasized
23 that, when talking about 'bad' things whites have done in
24 history, the people were white. But when we learn about the
25 numerous, almost countless wonderful things whites have done,

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1 it is never pointed out that these people were white. Yet
2 when we learn about anything important a black person did in
3 history, it is always pointed out repeatedly that they were
4 black. For example when we learn about how George Washington
5 Carver was the first ... smart enough to open a peanut."

6 Q. And if -- can you make out the part on underneath that on
7 left?

8 A. Can I make out what?

9 Q. Can you make out what's written down below that?

10 A. I can make out the bottom two lines that say, "No one is
11 doing anything. I don't blame fighting Nazis."

12 Q. If you could then go to the right side of the page.

13 A. The header says, "Jews. Unlike many white nationalists, I
14 am of the opinion that the vast majority of American and
15 European Jews are white. In my opinion the issue with Jews is
16 not their blood, but their identity. I think that if we could
17 somehow destroy the Jewish identity, then they would cause a
18 problem.

19 "The problem is that Jews look white, and in many cases
20 are white, yet they see themselves as minorities. Just like
21 ..., most Jews are always aware and constantly thinking about
22 the fact that they are Jewish.

23 "The other issue is that Jews network. Because Jews are
24 always thinking about being Jewish, most of the time they feel
25 like outsiders, even when no one treats them that way."

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1 Q. If you could pick up on the right side of the next page.

2 A. "I think this is part of the reason they don't feel guilty
3 for the disgusting things they do.

4 "If we could somehow turn every Jew blue for 24 hours, I
5 think that people would be able to see what is going on. What
6 I mean is that one of the main reasons Jews are able to get
7 away with the things they do is that people don't recognize
8 them for what they are."

9 Q. If you could then read the left side.

10 A. "I have noticed that one of the things racially aware
11 white men seem to hate the most is race mixing white women. I
12 personally don't understand this. These people seem to place
13 the blame only on the white women without thinking about what
14 causes them to do it. In my eyes these women are nothing but
15 victims. They are victims of the Jews and their media,
16 telling them that not only is it okay to race mix, it's cool.
17 Then more times than not they end up being the victims of
18 domestic abuse at the hands of their black lovers. I don't
19 think these women should be killed, or even punished, so long
20 as they repent. They are not beyond saving. I personally
21 wouldn't want to have relations with one though, as they are
22 damaged goods."

23 Q. Go to the next page, there's just an entry on the left.

24 A. "Religion. I don't today consider myself a Christian.

25 But obviously Christianity is an extremely important part of

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1 white culture historically. For that reason I believe that
2 Christianity should be in the very least respected. I don't
3 believe that even if you don't -- I believe that even if you
4 don't believe in Jesus, he deserves to be respected as part of
5 our history and culture."

6 Q. Then the next page, I believe there's an entry on the
7 right.

8 A. "I would like to say that unlike ... who blame others for
9 their problems I do not blame black or even Jews for my
10 failures in life.

11 "I also want to state that I am morally opposed to
12 psychology. It is a Jewish invention, and does nothing but
13 invent diseases and tell people they have problems when they
14 don't."

15 Q. The next page? We'll zoom in on that. Can you read that?

16 A. "I'm not fighting for what white people are, but what we
17 have the potential to be."

18 Q. Go to the next page.

19 A. "I don't respect or feel pity for old white people or my
20 elders as they are the ones who let us get in our situation."

21 Q. Go to the next page on the right.

22 A. The title is "Homosexuality doesn't exist. It is nothing
23 but a fetish that has been turned into a sexuality by the
24 Jews.

25 "This is why so many married men with children come out as

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1 gay. They obviously can perform normally, they just prefer
2 men.

3 "Homosexuality should be illegal or reinstated as a severe
4 mental illness."

5 Q. The next page?

6 A. "One of my only regrets is that I was never able to fall
7 in love."

8 Q. Next page?

9 A. "I have Hashimoto's disease."

10 Q. Go to the next one.

11 A. "I am not doing this to fight for what white people are,
12 but rather what I know we have the potential to be.

13 "People joke about prison rape without ever thinking about
14 how sick it really is. It's a touchy subject I know, but
15 white nationalists need to confront it.

16 "I see so many white women wasting their beauty because
17 they put no effort in how they dress."

18 Q. Go to the next page on the right.

19 A. "No one else has any responsibility for what I have done.

20 "I planned and went about it completely alone.

21 "I repeat, do not try and punish other people for my
22 actions because you couldn't punish me. This is wrong and
23 cruel."

24 Q. And the last page I believe you said there was a similar
25 line at the front of the book?

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1 A. Yes, it is the same as the website that is listed in the
2 first page.

3 Q. And so the last page, page 26, was there a symbol at the
4 back of the journal that was the same as the one at the front?

5 A. Yes, there was.

6 Q. And that's depicted on this image that's up?

7 A. That is correct.

8 Q. So those items were found sitting on the back seat, you
9 said?

10 A. Yes, on back passenger side seat.

11 Q. Let's pick up with what was underneath those items on the
12 seat. I hand you Government's proposed Exhibits 151 to 157.
13 Take a look at those. Do you recognize those?

14 A. Yes, I do.

15 Q. Are those photos you took from the back seat?

16 A. Correct, they're from the back passenger side seats.

17 MR. WILLIAMS: Hand these to defense counsel.

18 MS. PAAVOLA: No objection.

19 THE COURT: Government Exhibits 151 to 157 admitted
20 without objection.

21 (Government Exhibits 151 through 157 received.)

22 BY MR. WILLIAMS:

23 Q. Let's go to 151 first. Does this show then with the
24 journal and the notes removed?

25 A. Correct, it does.

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1 Q. We'll go to 152. You testified earlier that items were
2 taken out. Is it typical, once items are taken out, to sort
3 of hold it up, then photograph it?

4 A. Correct, it is. It is typical for us to either lay it out
5 or hold -- if it's like a piece of clothing or a blanket,
6 towel or something like that, for us to hold it up so you can
7 see the items to be photographed.

8 Q. This shows the jeans that were sitting on the seat?

9 A. Yes, that is correct.

10 Q. Go to 153. Is that with jeans taken off the seat?

11 A. Yes, it is.

12 Q. Put up 154. Is that one of the items that came off the
13 seat as well?

14 A. Yes, it was a white T-shirt that had came off the rear
15 seat there.

16 Q. Go to 155. Is that on the back seat as well?

17 A. Yes, the shirt was in the back seat.

18 Q. These are all items that as you go one at a time, you're
19 just taking them out and photographing them?

20 A. Yes, like I said, we just kind of take things out in
21 layers, and as we take them out, we photograph them as well.
22 But we take them out in layers and photograph the seat again
23 so you can see what was underneath that item.

24 Q. Go to 156. Another item that was on the back seat?

25 A. Correct.

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1 Q. Then 157. Does this show the back seat with all of those
2 clothing items removed?

3 A. Yes, this was what the back seat looked like when
4 everything, the pillow, the blanket and all of the clothing
5 items that were obscuring it had been removed so we could see
6 what was underneath.

7 Q. Hand you Government's proposed Exhibit 1. Do you
8 recognize that?

9 A. Yes, I do.

10 Q. What is it?

11 A. This is the gun that is depicted on the back passenger
12 side seat of the vehicle.

13 MR. WILLIAMS: Show it to defense counsel.

14 MS. PAAVOLA: No objection.

15 THE COURT: What are those numbers again?

16 MR. WILLIAMS: No. 1, Your Honor.

17 THE COURT: Exhibit No. 1 admitted without objection.

18 (Government Exhibit 1 received.)

19 BY MR. WILLIAMS:

20 Q. That's the handgun that was found on the seat.

21 A. Correct.

22 Q. Do you know what a trigger lock is or what this chamber
23 lock is?

24 A. Yes.

25 Q. How does this work?

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1 A. So that works by it keeps the chamber of the gun open so
2 that no round can go in it and the slide --- slide that's
3 pulled back, that metal part that's pulled back has to be
4 forward or be able to go forward in order for the gun to fire,
5 and that keeps that from happening.

6 Q. So this lock disables the gun from being able to fire?

7 A. That is correct.

8 Q. Do you know the make and model of this gun?

9 A. It is a Glock, and I know it's a .45 caliber, I can't tell
10 you the model.

11 Q. I'm going to hand you the items that were found with --
12 were other items found with the gun?

13 A. Yes, there was a magazine inserted in the gun, and it
14 contained cartridges as well as there was a cartridge from the
15 chamber.

16 Q. Are those here as well?

17 A. That is correct.

18 Q. Can you take a look at them, see how many -- I have some
19 more here.

20 THE COURT: What numbers are those?

21 MR. WILLIAMS: They're all part of Exhibit 1.

22 THE COURT: All Exhibit 1.

23 A. Yes, there were ten cartridges from the gun and one from
24 the chamber.

25 Q. Do you know if any of those rounds were test fired by the

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1 examiner?

2 A. Yes, this is what they use to -- the packaging they use to
3 test this, and they say there were six that were fired.

4 Q. Is that normal when testing a firearm that you use the
5 ammunition that may be with the gun for a better comparison?

6 A. Yes, if the gun still has ammunition in it, then they like
7 to use the same type of ammunition that was fired so that they
8 get the same -- have the same substrate or the same item to
9 test on that they're going to be looking at. So that there
10 are no irregularities between the item that they test fire and
11 the item that they're looking at.

12 Q. And that gun would have been, based on the packaging, at
13 least in your direction, that gun would have been tested by an
14 expert at SLED?

15 A. Yes, that would have been sent to our firearms unit for
16 testing.

17 Q. Tested for fingerprints as well?

18 A. Yes, it was.

19 Q. I believe we left off at 157, some other photographs. Did
20 you then continue photographing the back seat, that area?

21 A. Yes, we did continue photographing that area and down to
22 the floorboard there.

23 MR. WILLIAMS: Your Honor, I don't know what time
24 Your Honor wanted to stop to.

25 THE COURT: Is this a good breaking point?

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1 MR. WILLIAMS: It is, Your Honor, there's a whole
2 bunch of photographs.

3 THE COURT: Ladies and gentlemen, I'm going to send
4 you back to the jury room for just a moment before I discharge
5 you. You can step back to the jury room.

6 (Jury excused.)

7 THE COURT: Please be seated. I have to take a
8 matter up, but I need Miss Eunice back before I do that. The
9 witness can come off the witness chair. Thank you so much.

10 Can I speak to counsel, please.

11 (Following discussion held at side bar.)

12 THE COURT: I am advised that juror No. 125, who is
13 the last alternate, told one of my court security people that
14 there was a voice of one of the agents sounded familiar to
15 her. That's all I know. What I would normally do is I think
16 secret is not the way to do it, I think you bring them in,
17 just ask her to disclose what is she talking about. And then
18 I'll excuse her to leave, and then we'll talk about what we
19 should do, whether there should be a motion or not. But I
20 won't do it in her presence. Does that make sense to
21 everybody?

22 MR. BRUCK: And you would try to identify who she
23 thinks the person is?

24 THE COURT: Absolutely.

25 MR. BRUCK: Get as much information.

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1 THE COURT: I'm going to get as much information,
2 figure out, I have no idea. It may be she's just trying to
3 get out of this, I don't know. But we'll -- Okay? I just
4 want to tell you what we're going to do.

5 MR. RICHARDSON: Thank you, Your Honor.

6 (Side bar discussion concluded.)

7 THE COURT: I'm going to ask you to bring Juror 125
8 and to place her in the jury box.

9 (Juror 125 present.)

10 THE COURT: Juror 125, I had some information that
11 you thought you heard a familiar voice or something, and I
12 wanted to explore that with you, if I could.

13 JUROR: I just wanted to go on record saying that the
14 FBI Agent Januchowski, I believe, is that correct? His voice
15 sounds very familiar. I have known a couple of individuals
16 with a similar name.

17 THE COURT: Were they -- any of them FBI agents?

18 JUROR: This would have been years ago.

19 THE COURT: Here's the question. Does that affect
20 your -- the way you would weigh the evidence?

21 JUROR: No.

22 THE COURT: Would that affect your ability to be
23 impartial, an impartial juror in this matter?

24 JUROR: No.

25 THE COURT: So you're not even sure it's the same

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1 person?

2 JUROR: Not 100 percent.

3 THE COURT: Do you think it might be?

4 JUROR: Without seeing a face, I really -- I mean,
5 you couldn't tell from the video.

6 THE COURT: Where did you know the person?

7 JUROR: I believe we were actually maybe in the
8 military together.

9 THE COURT: Y'all were in the -- perhaps the military
10 together?

11 JUROR: Yes.

12 THE COURT: Do you remember where you might have been
13 stationed?

14 JUROR: Would have been Great Lakes.

15 THE COURT: Great Lakes, and what branch of the
16 military?

17 JUROR: Navy.

18 THE COURT: Navy. Do you recall about what years?

19 JUROR: Would have been '99-2000.

20 THE COURT: So somebody with that similar name who at
21 least the voice sounded familiar. How closely did you work
22 with that person?

23 JUROR: We were just classmates, if anything.

24 THE COURT: What kind of class was that?

25 JUROR: Would have been electronics technician

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1 training or similar, you know.

2 THE COURT: Okay. But to the extent it is that
3 person, would that in any way affect how you would weigh this
4 evidence?

5 JUROR: No, sir.

6 THE COURT: Would it in any way affect your ability
7 to be a fair and impartial juror?

8 JUROR: No, sir.

9 THE COURT: I'm going to ask you to return to the
10 jury. Thank you for sharing that with me.

11 (Juror excused.)

12 THE COURT: Okay. Does anybody want to share
13 anything with me about this?

14 MR. RICHARDSON: That is not the Agent Januchowski.
15 Agent Januchowski has an illustrious career, but did not
16 involve the Navy or electrical training in any respect. So he
17 is from Chicago, he has a distinctive Chicago accent, maybe
18 that's what's drawing her attention.

19 THE COURT: Down here they all sound alike.

20 MR. RICHARDSON: They say the same about us, Your
21 Honor.

22 THE COURT: Mr. Bruck, do you have anything you want
23 to raise about this?

24 MR. BRUCK: Not at all.

25 THE COURT: Very good. Let's send the jury home.

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1 Thank you.

2 With that, let me tell you what, I need to bring the jury
3 back because I need to tell them about -- bring them back in.
4 I want to warn them about the weekend, no media contact and so
5 forth.

6 (Jury present.)

7 THE COURT: Again I want to thank everybody for their
8 incredible attention today and throughout the days of the
9 trial. I just want to remind you a few things as we break for
10 the weekend. You should have no discussions with anyone about
11 this case in any way. You may well have people come up to
12 you, they've heard by word of mouth that you're on the jury,
13 you just simply say I can not talk about it. You need to stay
14 away from newspapers, TV, all of that. No social media. And
15 we will resume at 9:30 on Monday morning. Thank you very
16 much. Have a great weekend.

17 (Jury excused.)

18 THE COURT: Please be seated. Any matters from the
19 Government I need to take up to this point?

20 MR. RICHARDSON: Yes, Your Honor. We have been
21 moving along quite well.

22 THE COURT: Good.

23 MR. RICHARDSON: I anticipate the Court can tell from
24 the process. We expect that we will be finished with our
25 case, best information would be Wednesday. It could well be

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1 that that is Tuesday afternoon, it could well be that that is
2 Thursday morning, trying to provide the best information that
3 we can. We understand that there's some uncertainty with
4 respect to the defense case and how long that might take.

5 THE COURT: They have no obligation to make a
6 decision.

7 MR. RICHARDSON: I'm not asking that question at all,
8 Your Honor, I understand that. The question that I did have
9 for the Court is, were we to finish, and by finish I mean
10 completely finish on, say Thursday or Friday of next week,
11 would the Court anticipate breaking then for the holidays and
12 returning for the penalty phase, assuming we have one, on
13 January 2nd, or would the Court be inclined to try to do a day
14 or two the first part of the following week before then
15 breaking for the holidays? The reason we ask, Your Honor,
16 obviously for our planning, but also we have victims --

17 THE COURT: You know, you don't have to justify it,
18 this is a very fair question. First of all, I believe it
19 would be January 3rd, not January 2nd. Whatever. And
20 secondly, that is my inclination. I would like to hear what
21 the parties would recommend about that, but my inclination
22 would be that we would break. I had, you know, I had
23 anticipated issues understandably with juries, I've had a lot
24 of dealings with juries around holidays, that if you don't
25 accommodate vacation, family vacations, you lose a tremendous

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1 number of highly qualified jurors. So I assured them, if
2 y'all remember, that we would break. I didn't want people on
3 the road on Christmas Eve trying to race up to get to
4 Grandmama's house and be jeopardized. So I had anticipated
5 breaking a few days earlier. So then the question is, what is
6 really the idea about breaking, you know, what's the benefit
7 of starting and then stopping. And it seems to me a more
8 coherent presentation for everyone would be to do it all at
9 one time.

10 You tell me what your preference is, and I want to hear
11 from Mr. Bruck.

12 MR. RICHARDSON: We would ask the Court to do that,
13 in particular to allow the victims, many of which are spread
14 out all over the country, to spend some time with their
15 families and focus on what's important during the holiday
16 season. And then I do believe that that would allow us to
17 present the case coherently after the new year.

18 THE COURT: We'd also, I'll just remind you, I think
19 we had discussions about victims, Christmas with victims, and
20 being another factor we all --

21 MR. RICHARDSON: Absolutely, Your Honor.

22 THE COURT: Mr. Bruck, any thoughts?

23 MR. BRUCK: We agree completely with the Government.

24 THE COURT: Very good. Okay. So the answer is,
25 whenever we finish, and let's be very clear, this is important

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1 work, we don't need to be rushed, we have plenty of time to do
2 it, we're going to do it right.

3 In addition, obviously we need to complete evidence, we
4 have to have a charge conference. I'm working hard this
5 weekend on that. There are not really that many differences
6 that are presented here, and I will sort through them. I'm
7 working on the verdict form and so forth. And I want to have
8 everyone's response. The defense did not present a verdict
9 form, and I didn't -- at least I didn't see one, and I welcome
10 that, Mr. Bruck. And if you look at the Government one and
11 that's sort of fine, that's okay, too, but if you have a
12 suggestion, I'll tell you one thing that I always do, I put
13 categories, so like I would say Hate Crimes Act counts one
14 through nine, and then when the Government had just said count
15 one, I would say in regard to the death of blank, so that
16 they -- I don't send back the indictment, so they need that
17 help. They will have my charge, which we'll go through that.
18 But I will do that just to help.

19 I see the verdict form as almost like an outline for
20 deliberations for them. So I define very clearly. But I
21 would welcome, Mr. Bruck, any recommendations that the defense
22 has on the verdict form. They want simplicity. This is not
23 like an exam for the jurors. I try to make it as clear and
24 simple to follow and so that there's not a lot of guesswork
25 there. Their thinking is about the evidence and not about how

1 to fill the form out. That's generally my view of these
2 things. So if you would think, Mr. Bruck, if perhaps Monday
3 you could submit, if you have a proposal or you -- if you just
4 want to make recommendations regarding things you agree with
5 part of the Government's verdict form, but you think some part
6 of it, I would welcome any input you would have on that.

7 MR. BRUCK: We'll have that by Monday.

8 THE COURT: Everybody have a restful weekend.

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10 (Court adjourned at 5:06 p.m.)
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REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court Reporter for the United States District Court for the District of South Carolina, hereby certify that the foregoing is a true and correct transcript of the stenographically recorded above proceedings.

S/Debra L. Potocki

Debra L. Potocki, RMR, RDR, CRR